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FOR

OCTOBER, 1808.

For the Anthology.

ORIGINAL CORRESPONDENCE.

[The following was originally written as a private letter; and it was not thought necessary to make any alterations of its form in offering it to the publick.]

OBSERVATIONS ON THE THEORY OF HARTLEY.

*My dear W***,*

I AM about to write you a letter with relation to the theory of Hartley and the doctrine of necessity. I thought, you may recollect, when we were conversing upon the subject during your last visit at ——, that this theory was not irrefragable, and the arguments for this doctrine, founded upon it, not unanswerable, as they have sometimes been represented; but I do not know, that I shall be able in any degree to justify this opinion in a letter. It is in the third section of the third chapter of the first part of his work, which section treats "of the Affections in general," that Hartley draws his conclusion of the mechanism of the will. It is this section, that I intend particularly to examine. I will premise, however, a short account of his general theory.

Hartley's system of vibrations leads to materialism. He, however, does not deny the existence of a soul; but considers it as something merely sentient and percipient, which is affected by, and takes cognizance of the motions of the brain. Those of his school, however, are, I suppose, commonly materialists, and Cooper, the person, who gives the account of Dr. Priestley's metaphysical writing, annexed to his life, accuses Hartley of not perceiving in this respect the force of his own reasoning. As it will be simpler, I will give an account of his theory according to the doctrine of materialism, which I see the person just mentioned has partially done without any such previous notice. The only difference is, that what the materialists consider as the thing itself (an idea for instance,) Hartley considers as its proximate cause.

The following then is the theory of Hartley, thus modified.

When an object is presented to either of the senses, it produces a vibration in the very minute particles of the medullary substance of the nerves of that sense. [*Hart. Part I, prop. 4.*

This vibration is continued from the organ of sensation to the brain, and there produces a vibration in the very minute particles of the medullary substance of the brain, which is sensation. [*Prop.* I. IV. *and Prop* V *cor.* 2. 3.

These latter vibrations frequently repeated leave traces of themselves in the brain, and produce in it a disposition to miniature vibrations or vibratiuncules, which are ideas of sensation, or simple ideas. [*Prop.* VIII. IX

The vibrations in the brain are either gentle or moderately violent, and then are pleasures; or produce a solution of continuity and then are pains; or their degree of oscillation is evanescent, and then they are mere sensations or ideas not passing the limit of indifferency. [*Prop.* VI. XIV.

When a number of sensations are impressed synchronously or successively, the ideas of these sensations are associated together; so that when one of these sensations is impressed, it will excite the ideas of the remainder, if the association be synchronous, or the ideas of the sensations subsequent to it in the order of association, if the association be successive. [*Prop.* X. XI.

[This is the only general law, according to which association takes place, that is expressly stated and explained by Hartley.]

Simple ideas, that is, ideas of sensation, united by association, will by being frequently excited be drawn closer together, and at last coalesce into one complex, that is, intellectual idea, such as those, that belong to the heads of beauty, honour, moral qualities, &c. [*Prop.* XII. XIII.

In a complex or intellectual idea, it may be, that the effect of no single constituent idea is perceived, being overpowered by the united effect of the whole, so that the intellectual idea shall appear to have no relation to its compounding parts, ideas of sensation. [*Prop* XII. *cor.* 1*st.*

A proposition is a complex idea; assent and dissent are complex ideas; with a proposition either assent or dissent are always associated into one very complex idea, or the terms of the proposition are associated with the word truth or its contrary; our judgments are nothing more than such associations. [*Prop.* XII. *cor.* 10. *Prop* LXXXVI.

Simple miniature vibrations (simple ideas) may be compounded into one complex vibration (complex idea) equally vivid and powerful with an original sensory vibration: these vivid complex ideas are the intellectual pleasures and pains; the passions, and affections, and the will. [*Prop.* XIV. *comp cor.* 1,3. *Prop.* LXXXIX. *Chap.* IV. *Introd. comp. Prop.* VI.

All muscular motion is at first automatick and involuntary, the consequence of motory vibrations in the nerves; these motory vibrations being generated in various ways from sensory vibrations. [*Prop* XV. XVIII. XIX. XXI. LXXVII.

These motory vibrations in the nerves produce a disposition to corresponding motory vibratiuncules in the brain. [*Prop.* XX.

These motory vibratiuncules, when excited, descend along the motory nerves and excite their corresponding motory vibrations and produce the consequent muscular motions. [*Prop.* XX.

The motory vibratiuncules cohere to each other by association, so that the parts of a complex motion readily succeed each other; and they likewise cohere to ideal vibratiuncules, so as to be excited by them, so that ideas may produce muscular motion. [*Prop.* XX. *cor* 3. 4.

When an idea is equally vivid and powerful with an original sensory vi-

bration, it may produce muscular motions of the same strength with automatick motions. [*Prop.* XX. *cor.* 5.

When muscular motion is produced by that complex idea, which is the will for the time being, it is voluntary. [*Prop* XXI.

According to Hartley then, the power of sensation is the only original faculty of the mind. All its intellectual ideas and affections (I use the word in its more extensive sense) are resolvable into ideas of sensation ; and all which have been considered its active powers are only the law of association operating in different ways.

I now proceed to the examination of the section before mentioned, which treats "of the affections in general." In this section, Hartley, instead of the term 'complex idea,' uses the term 'aggregate of simple ideas,' which I shall accordingly adopt. The following is his theory of the affections and the will.

The passions or affections are nothing more than aggregates of simple ideas united by association, aggregates of the ideas or traces of the sensible pleasures or pains.

[In the 1st corollary of the 14th proposition, with similar meaning, though in different language, the passions and affections are explained to be (as I have before observed) vivid complex ideas.]

The passions may be divided into two classes, of love and of hatred ; those of the former class being aggregates of pleasurable, and those of the latter of painful ideas.

These aggregates of pleasurable or of painful ideas, when excited to a certain degree, so as to produce actions, may be termed desire and aversion.

Desire and aversion are the will for the time being.

To this theory it may perhaps be found sufficient answer, that love and hatred, are not pleasure and pain ; that pleasure and pain are not love and hatred There is no man, who, without reference to some theory, confounds these different internal feelings. Hence it is, that Hartley in the Introduction to his work, says, "The affections have the pleasures and pains for their objects, as the understanding has the mere sensations and ideas," and in the 4th paragraph of this section, in the very moment of stating his theory, deserting its proper language, he speaks of the passions as arising from pleasure and pain. But the passions he had before stated to be "aggregates of the ideas or traces of the sensible pleasures or pains" and it is the pleasure or pain attending these aggregates, which must, according to Hartley, constitute the passion : for, supposing the aggregate of ideas to be divested of pleasure or pain, no passion or tendency to passion would exist. Thus in the 2d paragraph of this section, he calls 'intellectual affections,' what in the 4th chapter of this part of his work, he treats of as intellectual pleasures and pains, and which intellectual pleasures and pains he there analyses as being, what he here defines the passions to be, aggregates of the ideas or traces of the sensible pleasures and pains. The conclusion, that the passions and intellectual pleasures and pains are the same, results also from a comparison of the 1st and 3d corollaries of the 14th proposition, though in the 1st of these there is a want of conformity in the language to the theory similar to that, on which I have been remarking.* According to Hartley then, the passions of love and hatred are

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* The following is the 14 Prop. And the 1st and 3d corollaries.

Proposition. "It is reasonable to think

the pleasures and pains connected with aggregates of ideas of sensation. If it be not so, what they are he has no where explained.

But that, which I have stated, not only is his meaning, but nothing else can be his meaning in conformity to his general theory; according to which the power of sensation is the only part of our mental constitution not factitious. All the materials, that Hartley thinks necessary to build up and complete the various superstructure of the human mind, are the ideas of different sounds, tastes, colours, shapes, &c. with the pleasures and pains accompanying these ideas. Now, as the mere ideas before mentioned cannot constitute any kind of passion, our passions must be nothing more than the pleasures and pains, by which they are accompanied

Yet so contrary to all our knowledge on the subject is this conclusion, which makes love and hatred the same with pleasure and pain, that Hartley again abandons the language of his theory, for the language of common opinion, and thus expresses himself, in the 9th paragraph of this section: "A state of desire ought to be pleasant at first from the near relation of desire to love, and of love to pleasure and happiness." A near relation they have, for pleasure is frequently the occasion of love, and love of desire, as the word is used by Hartley; but to confound them together is not making a theory to explain the phenomena of the mind; it is bending the phenomena of the mind to his simplifying theory.

Here then seems to be a fundamental errour, in confounding the passions and affections with the intellectual pleasures and pains, and we may observe still further, its effects upon this theory. The passions and affections, or intellectual pleasures and pains are divided by Hartley into six classes of imagination, ambition, self-interest, sympathy, theopathy, and the moral sense. "They are excited," he says, in the 1st paragragh of the section we are examining, "by objects and by the incidents of life." These objects, it is almost unnecessary to observe, are frequently not present, and the affections, which produce desire, are always excited by the *idea* of an object not possessed. Now the intellectual affections and pleasures being according to this theory the same, here then is the idea of an object exciting and strongly exciting (seeing that desire is produced) all the intellectual pleasures of its proper class, to which it has relation. What more or what different could be effected by the object itself, if possessed (supposing it of course an object merely of intellectual pleasure) it may not be easy to explain; or consequently, why, with regard to such an object, desire and a sense of possession are not states of the mind equally and in the same manner pleasurable. And thus Hartley says (5th

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that some of the complex vibrations attending upon complex ideas, according to the last proposition, may be as vivid as any of the sensory vibrations excited by the direct action of objects."

1st *Corollary*. "When the complex miniature vibrations are thus exalted in degree, we are to conceive, that the corresponding complex ideas are proportionally exalted, and so pass into intellectual affections and passions. We are therefore to deduce the origin of the intellectual pleasures and pains, which are the objects of these affections and passions from the source here laid open"

3d *Corollary*. "It follows also from this proposition, that the intellectual pleasures and pains may be greater, equal or less, than the sensible ones, according as each person unites more or fewer, more vivid or more languid miniature vibrations in the formation of his intellectual pleasures and pains," &c.

paragraph) that desire is love excited to a certain degree* (sufficiently so to excite other associated ideas, which accidental effect has nothing to do with our present purpose); and (11th paragraph) that joy takes place, when desire is at an end, and is love exerted towards or rather excited by an object, that is present.† By comparing the words of Hartley, therefore, we come to the same conclusion, to which we were before led by his theory. According to the quotations just made, desire is love, and joy is love; consequently, desire and joy are the same; the only difference being, that, in the former case, this passion, love, produces effects, which it does not in the latter, and in the latter case has a cause certainly different from what it has in the former; though what is its cause in the former case is no where particularly explained. It follows then, if the preceding observations be correct, that Hartley confounds desire with its gratification, intellectual hunger with intellectual revelling

In the last quotation from Hartley, in the preceding paragraph, he speaks of joy as being love exerted towards an object which, is present. But though this expression is proper in itself, it is not conformable to his theory; as it is scarcely correct to speak of an aggregate of simple ideas being exerted towards an object. I have therefore thought it allowable to change the expression.

But as (according to the theory we are examining) the ideas of an object desired, may effect the mind in the same way, as the object itself when possessed; so it is not easy to conceive why the object itself may not produce the same effects as its idea; that is, by strongly exciting the affections, produce desire and its consequences. When our love, says Hartley, is excited to a certain degree, it puts us upon a variety of actions, and may be termed desire. Now as it operates in a manner merely mechanical, as is immediately explained, (and indeed, we ought continually to recollect, that we have to do with a theory, which professes to explain all the operations of the mind mechanically) now as love thus operates, it cannot, I think, be shewn, why it should not produce the same effects, and put us upon the same course of action, in whatever manner it may be excited, whether by the idea of an object desired, or by the object itself possessed.

But, (to proceed to another objection) supposing the proper passions to be sufficiently excited, without consideration of the manner in which this may be effected, yet I do not think it satisfactorily explained by Hartley, how, when thus excited, they put us upon such a course of action, as may enable to obtain their object. In conformity to his theory, when a passion that is an aggregate of simple ideas is sufficiently excited, it excites other

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* The following are the words of Hartley: "Fifthly. When our love and hatred are excited to a certain degree, they put us upon a variety of actions, and may be termed desire and aversion; by which last word, I understand an active hatred."

† The following is the whole of the eleventh paragraph. "Eleventhly. Joy and grief take place, when the desire and aversion, hope and fear, are at an end; and are love and hatred exerted towards an object, which is present either in a sensible manner, or in a rational one, i. e. so as to occupy the whole powers of the mind, as sensible objects, when present and attended to, do the external senses. It is very evident, that the objects of the intellectual pleasures and pains derive their power of thus affecting the mind from association."

ideas and motory vibratiuncules previously associated with it; and thus puts the mind upon thinking and the body upon action. Hartley indeed, in the 6th paragraph† of the section, we are examining, treats of muscular motion, as the only effect of a passion strongly excited, or volition. But as volition, every one's experience teaches, has power over the exertions of the mind, as well as over the muscular motions, I have ventured to add a clause with respect to the mind in order to complete the theory. A passion then, becoming the will, excites other ideas and motory vibratiuncules associated with it at the time of its excitement. But there is no reason, why these ideas and motory vibratiuncules thus previously associated with it should constitute or produce any thing like that particular course of conduct necessary to obtain the object now desired; or supposing the number of ideas and motory vibratiuncules thus previously associated with it to be very great, there is no reason, why the passion, whose operation is mechanical, should excite those only, which are proper for its present purpose; there is no reason, why this aggregate of ideas, this complex vibration in the brain, should be associated with, or if associated with, should select and excite all those numerous other vibrations or ideas and those only, which may produce all the minute varieties of the course of action now required.

Such are some of the objections, which may be made to Hartley's account of the affections and of the will. If any one of these objections be valid, the doctrine of the mechanism of the will, and consequently the doctrine of necessity (a doctrine, which he confesses himself to have admitted with the greatest reluctance) finds no support in his theory of association.

Hartley seems to have considered imperfectly and indistinctly the effects upon the mind of "objects and the incidents of life," sometimes exciting and sometimes gratifying the passions; sometimes causing desire and aversion, and sometimes pleasure and pain. He has considered these objects and incidents, as far as relates to the present subject, as having no other power than to excite pleasurable or painful aggregates of ideas. These aggregates he has of course sometimes considered as passions, and sometimes as intellectual pleasures and pains, since it could not be forgotten, that both these were excited by objects and the incidents of life. But if there be any force in the preceding reasoning; if the passions be not aggregates of simple ideas; if they be not factitious; if upon the theory, which maintains these suppositions, there can be no reasonable account given of their phenomena, then neither are the intellectual pleasures and pains, aggregates of the ideas or traces of the sensible pleasures and

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† The following is the sixth paragraph: "Sixthly. The will appears to be nothing but a desire or aversion sufficiently strong to produce an action, that is, not automatick primarily or secondarily. At least, it appears to me, that the substitution of these words for the word will, may be justified by the common usage of language. The will is therefore that desire or aversion, which is strongest for the then present time. For if any other desire was stronger, *the muscular motion connected with it by association*, would take place, and not that which proceeds from the will, or the voluntary one, which is contrary to the supposition. Since, therefore, all love and hatred, all desire and aversion are factitious, and generated by association, i. e. mechanically, it follows that the will is mechanical, also."

pains ;* or to use the words of Hartley to "be deduced, in fact from the sensible pleasures and pains by means of the general law of association."

* Hartley has not used these words, "aggregates of the ideas or traces of the sensible pleasures and pains" in speaking of the intellectual pleasures and pains ; though these are analysed by him as being such aggregates. It might have started any theorist, to have given in the same words the same account of these pleasures and pains, which he had before given of the passions and affections. The definition just mentioned is however directly implied in the following paragraph from that part of the 94th Proposition, which treats "of the Pleasures arising from the Beauty of the Natural World."

"An attentive person may also in viewing or contemplating the beauties of nature lay hold as it were of *the remainders and miniatures of many of the particular pleasures* here enumerated ; while they recur in a separate state and *before they coalesce with the general indeterminate aggregate* and thus verify the history now proposed, [i. e. the history of the formation from the pleasures of sense, of the pleasures arising from the beauties of the natural world.]

The following is Hartley's general account of the intellectual pleasures and pains in his introduction to the 4th Chapter :

"Now it will be sufficient proof, that all the intellectual pleasures and pains are deducible ultimately from the sensible ones, if we can shew of each intellectual pleasure and pain in particular, that it takes its rise from other pleasures and pains either sensible or intellectual. For thus none of the intellectual pleasures and pains can be original. But the sensible pleasures and pains are evidently originals. They are therefore the only ones, i. e. they are the common source, from whence all the intellectual pleasures and pains are ultimately derived."

"If we admit the power of association and can also shew that associations sufficient in kind and degree concur in fact in the several instances of our intellectual pleasures and pains, this will of itself exclude all other causes of these pleasures and pains," &c.

If the passions are original constituent parts of our nature, then their gratifications and disappointment are original and uncompounded intellectual pleasures and pains. If for instance the desire of esteem be native and not factitious, then the gratification of this desire is a native and simple intellectual pleasure. If the love of beauty be an original affection, then the pleasures and pains of the imagination arising from this source are primary pleasures and pains altogether independent of the pleasures and pains of sense.

But what then, it may be asked, is the chapter of Hartley upon the intellectual pleasures and pains ? I answer, that, if the preceding view of this subject be correct, it is not in truth, what it claims to be, an analysis of the intellectual pleasures and pains into their constituent parts, by the association, of which they are formed; but it is a most ingenious account of the manner, in which these pleasures and pains are very frequently associated together and associated with reminiscences of sensible pleasures and pains.

But whatever may be the separate value of parts of the work of Hartley, his theory of association appears to me continually defective and insufficient for its purpose, to account for the phenomena of the mind. There are causes however, why its defects and its insufficiency are not so apparent as one might suppose they would be. Hartley readily abandons the proper language of his theory, where this might appear incongruous or absurd, for the language of common opinion. Where, upon his principles, it might be difficult speciously to account for the phenomena of the mind, he sometimes states these phenomena without attempting to do this, he gives the fact itself without endeav-

ouring to connect it with his system, or to translate the incorrect and loose language of former metaphysicians into the proper and precise dialect of his theory. Hence it is, that his theory, as far as it is explained, may sometimes appear plausible, and when we quit this, we find ourselves among facts, which all acknowledge, and slide easily into language, to which we have been accustomed. We scarcely recollect, that Hartley has no claim to this language, which is the common property of other writers, and that it is his duty not merely to state these facts, which is nothing to his purpose, but to accommodate them to his theory. In reading Hartley, one ought constantly to have in mind similar sentiments to those, which Cicero in his philosophical writings so frequently expresses with regard to Epicurus; Quasi ego id curem quid ille aiat aut neget illud quæro quid ei . . . . . consentaneum sit dicere [De Finibus. Lib. II. sec. 22] Hæc bene dicuntur, nec ego repugno, sed inter sese ipsa pugnant. [sec. 28.]

While employed upon his theory, Hartley seems scarcely to have recollected, that there were any opinions contradictory to his own. In pursuing his synthetical method, he anticipates no objections, he perplexes himself with no difficulties. Though his theory of the mind is so peculiar and throughout different from all others, yet in this part of his work, except in the last chapter with reference to the doctrine of necessity, he no where appears as a controvertist. He does not withdraw the attention of his reader from his own system, or weaken his assent to it by introducing any different views of his subject. Hence from this uninterrupted, and from the long and close attention required by his work, it may be difficult to prevent one's ideas from becoming assimilated to those of Hartley. The mind, fatigued by the labour of comprehending his theory, may have but little alacrity to seek for objections and different views of the subject, which are not offered to its examination.

The mind of Hartley (if I may venture to make any further criticism upon a man so respectable for intellectual and moral excellence) seems not to have been best adapted to take a comprehensive and general view of a complex subject and its various relations. The distinguishing character of his mind was perhaps an habit of patient investigation. Whatever was the theme of his inquiry, he seems to have surveyed it slowly and in detail. Hence he frequently brings together a great variety of observations, many of them very excellent. But there is, even in separate observations and detached parts of his work, sometimes a want of precision of thought, or at least of expression, which may leave one in doubt whether he had considered very accurately, that of which he is treating.

In the conclusion of the first part of the work of Hartley, there are some general remarks upon the doctrine of the mechanism, or necessity of human actions. But it is not in the timid, the doubtful, the almost contradictory language* of Hartley,

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* Of language almost contradictory, I will give the following passages as a specimen: "We may shew," says Hartley, "by a like method of reasoning, that the affections of gratitude and resentment, which are intimately connected with the moral sense, remain notwithstanding the doctrine of mechanism."

. . . . . "It seems to follow, that as soon as we discover created intelligent beings not to be real causes, we should cease to make them objects either of

that one ought to examine the consequences of this doctrine, which opposes itself to the uniform testimony of the language, the feelings, and the conduct of mankind; which makes our language upon moral subjects unmeaning or inconsistent with truth; which makes our feelings and conduct, produced by the actions of others, our gratitude and resentment, our indignation and esteem; which makes these altogether irreconcileable with reason and justice, and founded upon what a necessarian must consider a detected imposition, the belief that men are

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gratitude or resentment. *But this is in a great measure speculation*, for it will appear to every attentive person, that benevolence, compassion, &c. are amiable; envy and malice the contrary, from whatever causes they proceed; i. e. he will find his mind so formed already by association, that he cannot withhold his gratitude or resentment."

This is the language of Hartley, in disavowing, as it would seem, certain consequences, as they appear to be, of the doctrine of necessity. By turning over a few pages we may find what follows: "I come now," says Hartley, "to hint some consequences of the doctrine of mechanism, which seem to me to be strong presumptions in its favour."

The third of these consequences mentioned by Hartley, is the following: "Thirdly. It has a tendency to abate all resentment against men. Since all that they do against us is by the appointment of God, it is rebellion against him to be offended with them."

I do not say, how far these passages may be reconciled. But from a comparison of them together, it will be obvious, that Hartley affirms by implication, what he certainly would not have affirmed directly, that, on the mind of a necessarian, the conviction that he is acting in rebellion against God, has very little effect; and that to suppose it will have any, is, "in a great measure mere speculation."

Of what is meant in the text, by doubtful language, the following is an example: "Eighthly. It may be said, that the doctrine of mechanism makes God the author of sin. I answer, that, till we arrive at self annihilation, sin always will, and ought to appear, to arise from ourselves; and that when we are arrived thither, sin and evil of every kind vanish."

It is not easy to affix any definite meaning to this answer; nor to see how it is applicable to the objection. Nor may it be easy to shew, why, in any case, sin, of which we are convinced that we are not the real cause, will, and ought to appear, to arise from ourselves.

I subjoin the only passages in Hartley, that I recollect as having any tendency to explain the manner, in which he intends to use the phrase, "self annihilation." The first is the fourth corollary of the twenty-second proposition:

"*Cor.* 4. Since God is the source of all good, and consequently must at last appear to be so, i. e. be associated with all our pleasures, it seems to follow even from this proposition, that the idea of God, and the ways, by which his goodness and happiness are made manifest must at last take place of and absorb all other ideas, and He himself become, according to the language of the scriptures, *all in all*."

The two following passages are from the concluding remarks on the mechanism of the human mind, which we have been considering.

"It does indeed appear, that this" [our being affected towards men, as if they were the real causes of their actions] "is owing to our present imperfect state, in which we begin with the idolatry of the creature, with the worship of every associated circumstance; and that, as we advance in perfection, the associations relating to the one only ultimate infinite cause must at last overpower all the rest; that we shall pay no regards but to God alone; and that all resentment, demerit, sin and misery will be utterly annihilated and absorbed by his infinite happiness and perfections"

"The doctrine of mechanism," says Hartley, "has a tendency to beget the most profound humility and self-annihilation; since, according to this, we are entirely destitute of all power and perfection in ourselves; and are what we are, entirely by the grace and goodness of God."

the real causes of their actions; which sets aside remorse; which, as it respects the pleasures of the moral sense, those pleasures, in comparison with which the better sects of ancient philosophy thought all others annihilated, and in their enjoyment all pain and sorrow absorbed and unfelt; which, instead of these, offers us the miserable belief, that certain proper associations have, in some way, been formed within us, and that we have been the mechanical instruments in the production of certain beneficial effects.*

I have no intention, however, to lengthen this letter, by observing on the consequences of the doctrine of necessity. What precedes has not been written under the most favourable circumstances. I have had no other work of any value to consult on its subject, except that of Hartley himself, and the weakness of my eyes has been such as to prevent my either reading or writing with continued attention.

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* Views of human nature, very different from those connected with the doctrines of mechanism, may be found in the three first Sermons of Bishop Butler, a man, whose only honest aim in the vigourous exertion of a most powerful mind seems to have been the establishment of truth and the promotion of virtue. He has written nothing unworthy of the author of "the Analogy."

EXTRACTS FROM MRS. CARTER'S LETTERS.

Pope and Warburton.

"Our present after-supper author is Mr. Pope, in Mr. Warburton's edition. Is it because one's strongest partialities, when in any point deceived, turn to the strongest prejudice of dislike, that I read those admirable poems and letters with a considerable mixture of pain and indignation? At some uncharitable moments, one can scarce help looking upon all those eloquent expressions of benevolence and affection as too much parade, while one sees them overbalanced by such bitterness and cutting severity. I wish I knew the true history of Patty.* Till I do, I cannot read the letters of friendship to her father with any satisfaction. I am afraid you will be angry with me for all this, but while every reading makes me more admire his genius, every one makes me more doubt his heart. One thing I am extremely offended at in his poems, and of which I never took so much notice before, his frequent quotations of scripture phrases in much too ludicrous a way. The notes are worth any body's running over; some very wild, some very ingenious, some full of amusing anecdotes, some bitterly but not wittily satirical, but merely rough, unjust, and angry, and the greatest number, true commentator like, explaining what needs no explanation, and wire-drawing for meanings that the author never thought of."

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* "Mrs. Martha Blount, to whom Pope left great part of his fortune.

Tom Jones and Clarissa.

[From a letter to Miss Talbot.]

"I am sorry to find you so outrageous about poor Tom Jones: he

is no doubt an imperfect, but not a detestable character, with all that honesty, goodnature, and generosity of temper. Though nobody can admire Clarissa more than I do; yet with all our partiality, I am afraid, it must be confessed, that Fielding's book is the most natural representation of what passes in the world, and of the bizarreries, which arise from the mixture of good and bad, which makes up the composition of most folks. Richardson has no doubt a very good hand at painting excellence, but there is a strange awkwardness and extravagance in his vicious characters. To be sure, poor man, he had read in a book, or heard some one say, there was such a thing in the world as wickedness, but being totally ignorant in what manner the said wickedness operates upon the human heart, and what checks and restraints it meets with to prevent its ever being perfectly uniform and consistent in any one character, he has drawn such a monster, as I hope never existed in mortal shape; for to the honour of human nature, and the gracious author of it be it spoken, Clarissa is an infinately more imitable character, than Lovelace or the Harlowes."

Young's Night Thoughts.

[From Miss Talbot.]

1744.

"Dr Young has now, I suppose, done with his *Night Thoughts:* he has given us one for every night in the week. I do not know whether you criticks and fine folks will allow them to be poems; but this I am certain of, that they are excellent in their kind, though they may be of a kind peculiar to themselves. He shews us the muse in her ancient dignity, when she inhabited temples and spoke an immortal language, long before sing-song came into being."

From Mrs. Carter, in reply.

"I think I am next to proceed upon Dr. Young, who well deserves the beautiful encomiums you give him: I really regret there are no more than seven nights in a week, instead of exclaiming, as I heard a lady, when she was told of a fifth, "What, will that man never have done complaining?"

"But as greatly as I admire this book, and as trifling as most of the criticisms on it appear, I cannot help making one objection: that the author has given too gloomy a picture of life, and too bad a character of mankind; who, upon the whole, I am much inclined to believe, are a much better set of beings than some moralists, from a partial view, think proper to represent them. Indeed this melanholy turn of thought runs through all Dr. Young's writings, but in no where so much as in what he calls his *True Estimate of Life*, one of the most sombre pieces surely, that ever a splenetick imagination drew."

Lord Lyttleton's Monody.

[From Miss Talbot.]

1747.

"Have you seen the Monody? To see it, and admire it, will, I imagine, be, with you, the same thing; if sentiment the most affectionate, images the most natural, expressions elegant and poetical, and all the soft varied harmony of numbers, have charms enough to make you overlook some inequalities. I never saw any thing that seemed to flow more from the heart—though whether the heart would be apt to print and publish, I cannot determine; people's ways of thinking are so very

different, that in those sorts of things there is no judging others by one's self. For myself, wherever I feel the most, I am incapable of saying any thing."

Montfaucon.

[From Miss Talbot.]

1751.

"I am sick of all human greatness and activity, and so would you be, if you had been turning over with me five great folio's of Moutfaucon's French Antiquities, where warriours, tyrants, queens and favourites have passed before my eyes in a quick succession, of whose pomp, power, and bustle, nothing now remains but quiet gothick monuments, vile prints, and the records of still viler actions. Here and there shines out a character remarkably good or great; but in general I have been forced to take refuge from the absolute detestation of human nature that was coming upon me, in the hope that the unillustrious in every age, the knitters, the triflers, the domestick folks, had quietly kept all that goodness and happiness among themselves, of which history preserves so few traces.

Horace Walpole, late Earl of Oxford.

1768.

"I fancy you were not greatly edified by the study of Mr. Walpole's book. There is always some degree of entertainment in what he writes; but less, I think, in this than usual; and it is rather more peevish and flippant. It is great pity, that he should ever write any thing but Castles of Otranto, in which species of composition he is so remarkably happy. He would, I think, succeed much better as an historian, if he could feel as strong an interest in living excellence as in the characters of his own creation: and this would make him represent a Sydney or a Falkland, as beautifully as he has done a Theodore and Hippolyta. Would it be too refined or uncharitable to attempt to solve this inconsistency, by the supposition that ideal perfection may seem to leave an entire liberty to people not disposed to regard it; while really existing virtues are such awakening and painful calls to imitation, as strongly incline some minds too lively not to feel their force, and too little inclined to yield to it, to make use of every art to stifle and obscure them? You will think me out of humour with Mr. W——, and so I am. His going out of his way to indulge a sneering contempt of subjects, which, whatever may be his own unhappy opinion of them, he knows to be held sacred by the greater part of his readers, is (to say no worse of it) such violation of decency, as gives very just cause of offence."

Lord Chesterfield's Letters.

1774.

"Lord Chesterfield's Letters are, I think, the most complete system of French morality, that ever disgraced the English language. A system founded neither on principles of virtue, nor sentiments of heart, but upon those selfish motives, which aim at nothing higher than mere bienseance, and which never yet, through the general course of life, procured to any character confidence, or esteem, or love. It is in vain that Lord Chesterfield would disguise the intrinsick imperfections and deformities of the composition, which his instructions would produce, by so strongly recommending the graces. The world is always quick-sighted

enough to distinguish between the mere rouge and enamel of artificial good breeding, and those genuine graces which naturally spring from principles and dispositions, of which unhappily his Lordship seems to have been totally ignorant. All this may, I think, be fairly said on many of the most specious and plausible parts of the collection: others are more openly detestable. That a father should seriously, and earnestly counsel a son to endeavour to make his fortune, by betraying the families into which he is admitted, destroying domestick connections, and violating the most sacred rights of society, is a degree of profligacy which it is to be hoped, even in this bad world, is not to be found.

Bryant's Mythology.

1774.

"I do not recollect any late productions in the literary way, except a little volume of very pretty essays by Miss Aiken, and Mr. Bryant's Analysis of Ancient Mythology, of which I have read one volume in quarto. It is a work of immense learning, and very great ingenuity, but has to me the fault of almost all the mythological systems I ever read, the want of sufficient proof. When one is professedly invited into the regions of fiction, the further one travels the better. Imagination has a natural right to take the lead, and reason very quietly falls asleep, and never interferes in the progress. But whenever an address is made to the understanding, and fancies and conjectures take the place of proofs, I know few kinds of reading so unprofitable and teazing, however ingenious the writer may be. Mr. Bryant is a man of excellent character and acknowledged abilities, and the tendency of his studies to the highest degree respectable: all this I have a pleasure in mentioning; and perhaps the fault is in myself that I do not feel more convinced of the truth of his system. I am told the second volume is much more satisfactory than the first. I find it is a fashionable book, from which one would infer that this is an age of most profound literature; and from the very nature of his subject it is scarcely possible to discover what he means but by the assistance of Greek and Hebrew."

Voltaire.

"I am not surprised at any blunder in Voltair's arguments. Wit is a squint of the understanding, which is mighty apt to set things in a wrong place. I have not seen any of his writings, nor from the character of them do I ever design it. I should as soon think of playing with a toad or a viper, as of reading such blasphemy and impiety, as I am told are contained in some of his works.

Hume and Rousseau.

1766.

"Have you heard of a strange quarrel between David Hume and J. J. Rousseau? Poor Rousseau to be sure was undone by the unmolested repose, to which he had been doomed in England; and it is very fit he should relieve himself by making some bustle, as nobody was charitable enough to disturb him. Hume is extremely angry, and wants to print the correspondence, but is advised to forbear. When they were together, he humoured Rousseau like a peevish child, to which certainly he had no right, unless he could have pleaded the understanding of a child in excuse for its humours. Natural infirmities of

temper are to be treated with tenderness and compassion; but when people work up perverseness into a philosophical system, and contrive to make themselves as troublesome as they possibly can, they forfeit all claim to indulgence, and every encouragement to their unreasonable humours is an injury to society."

Sterne.

1768.

"I thought the tone of one paragraph in your letter did not seem your own, even before you gave an intimation that it belonged to the Sentimental Traveller, whom I neither have read, nor probably ever shall; for indeed there is something shocking in whatever I have heard either of the author, or of his writings. It is the fashion, I find, to extol him for his benevolence, a word so wretchedly misapplied, and so often put as a substitute for virtue, that one is quite sick of hearing it repeated either by those who have no ideas at all, or by those who have none but such as confound all differences of right and wrong. Merely to be struck by a sudden impulse of compassion at the view of an object of distress, is no more benevolence than it is a fit of the gout, and indeed has a nearer relation to the last than to the first. Real benevolence would never suffer a husband and a father to neglect and injure those whom the ties of nature, the order of providence, and the general sense of mankind have entitled to his first regards. Yet this unhappy man by his carelessness and extravagance has left a wife and child to starve, or to subsist on the precarious bounty of others. Nor would real benevolence lead a clergyman to ramble about the world after objects with whom he has no particular connection, when he might exercise the noblest duties of a benevolent heart in a regular discharge of his proper function, instead of neglecting and disgracing it by indecent and buffoon writings.

Vicar of Wakefield, by Goldsmith.

1766.

"Be so good to tell Mrs. Handcock, that I do like the *Vicar of Wakefield;* and likewise that I do not: by which means in any case I hope I am secure of being of her opinion. Indeed it has admirable things in it, though mixt with provoking absurdities; at which one should not be provoked if the book in general had not great merit. A small alteration in the author's plan might have furnished a very useful lesson. The character of Burchell, as it now stands, is entirely out of nature, whether we suppose him to be guided by good principles or bad. If the author had strongly marked him as acting by no principles at all, every instance of his behaviour would have been natural: for every contradiction and every absurdity is natural to a humourist; and the satirizing a character of all others perhaps the most destructive to the peace of human society, would have been a very instructive performance."

Swift.

1766.

"I have never read Swift's last published letters; but am glad to find that they help to justify me in always having had a more favourable idea of his character than most people seemed to think he deserved. There always appeared a rectitude and sincerity in him much superiour to the greater number of his cotem-

porary geniuses. His wit, I cannot help thinking, was mere distemper, and for many instances of shocking impropriety and levity into which it hurried him he was perhaps as little accountable as for the delirium of a fever. Lord Corke I think somewhere speaks of his deplorable ideotcy as a judgment: surely it would have been more charitable to have considered it as the last stage of a long madness, which very frequently terminates in this conclusion."

For the Anthology.

LEVITY.

GENTLEMEN,

IT is well known, that the French Government sent many missionaries, in the early part of the revolution, to different countries for different purposes: some of these were diplomatick and consular agents, openly accredited and acknowledged; others were *scavans*, who travelled as private individuals, but who furnished memoirs and information on persons and things, which have aided that government in their intercourse with foreign nations. Many visited the United States, and some of their writings have been published; those of Talleyrand, Volney, &c. are familiar to the publick. The singular felicity, which the French writers possess, of furnishing a memoir on every subject, has often been remarked and envied, and is exemplified in the one, I now offer for your miscellany. It has never been published in the United States. Some persons may remark an anachronism, for which I do not pretend to account; in speaking of the lobster, the author cites the regulation of the Board of Health, to prevent their being eaten in the summer months, which, it is believed, is posteriour to the period at which the writer visited this country, but which may possibly have been inserted from subsequent information. I hope indulgence will be granted for any French idioms, that may appear in the translation, as it is a kind of labour, of which I am not very fond, and to which I am very little accustomed. Yours, &c.

Memoir on the consumption of Cranberry Sauce, by the Americans, addressed to the Citizen ——, member of the National Institute, by the Citizen ——, residing at Boston.

NOTHING excites the sensibility of a Frenchman more strongly, on his first landing in the United States, than the raw and simple state of their culinary preparations. If the supposition, which has been made by some philosophers, be not too fanciful, that the progress of a nation in civilization and refinement may be ascertained by the degree of skill they have attained in cooking, this infant nation are still in the most barbarous situation. A general consideration of this subject cannot enter into the present memoir; but some notion may be formed of their rude state, when it is known, that soups, so common in France, are but little used, and that they substitute for them, a compositious

called a pudding, made of flour, suet, dried grapes, eggs, milk, spices, and other heterogeneous materials, which, when served upon the table, is a real phenomenon, for it is commonly asserted, that its specifick gravity is greater than that of lead. Our rich nutricious *sauces* are almost unknown; and, as a proof of the early corruption and degeneracy of this nation, many of the country people have bestowed this name* upon vegetables, which they eat in the most unprepared state, boiled and soaked in hot water. But the most universal dish, which obtains equally at the tables of the rich and poor, is the substance which forms the subject of this memoir.

Cranberry Sauce, vulgarly called cramberry sauce, from the voracious manner in which they eat it,† is made from a berry, produced by a plant, called by us, *Airelle des marais;* the *Vaccinium Hispidulum* of Linnæus, a plant of the 8th order, 1st class, *Octandria Monogynia:* it grows in meadows filled with moss, on a slender, bending stalk, covered with silky scales, whose leaves are oval, rather oblong and shining: the berries are large, red, and of a pleasant acid taste. The fruit is ripened by the early frosts in the autumn, but is gathered through the winter, and in the spring after the ice dissolves, and even then is the most esteemed.

Preparing them for the table is very easily done; the berries are stewed slowly with nearly their weight of sugar for about an hour, and served on the table cold: the sugar made use of differs in quality according to the wealth of those by whom the sauce is used. It is eaten with almost every species of roasted meat, particularly the white meats, turkies, partridges, &c. some even eat it with boiled fish, and I knew one person, otherwise a very worthy man, who eat it with lobsters, for supper! The mention of this shell-fish, which is taken in great abundance on the neighbouring coasts, induces me, though rather foreign to the subject of this paper, to relate a striking instance of the narrow, selfish policy of the institutions of this people. During the three summer months, the Board of Health prohibit the sale of lobsters in this city; but it is freely permitted in Roxbury, the southern suberb of Boston, inhabited principally by gardeners, butchers, and curriers; and the inhabitants of this quarter are abandoned to the ill consequences arising from this practice.*

One individual informed me, that the rosy complexion of their women had been attributed to their consumption of this article. Though this opinion seemed extravagant, I resolved to try the truth of it, because every argument in its favour should be destroyed if possible. I therefore prevailed npon a servant girl, about fourteen years of age, to eat nothing else; partly by coaxing and partly by menaces, I confined her to this food for a week; at the end of which she grew pale and exhibited feverish symptoms, which is sufficient to prove the absurdity of the supposition. I could pur-

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* The reproach here extended to the nation, is too general; the corruption alluded to is confined to some parts of New-England.—*Trans.*

† This is a ludicrous mistake, but excusable in a foreigner not intimately acquainted with the language.—*Trans.*

* This furnishes an instance of the rashness with which foreigners, particularly those from despotick countries, judge of our institutions. Every person could have told the author, that the Board of Health is confined to the limits of Boston, which do not include Roxbury.—*Trans.*

sue the experiment no further, as she threatened to run away, and the most senseless clamour would have ensued, if any ill consequences should have happened to her. For so cold and backward are this people, that they would not sacrifice the life of one individual, to ascertain the most brilliant philosophical truth; and that spirit, which has animated Frenchmen, defying every obstacle, and despising every danger, to the sacrifice of thousands of the human race, to propagate the advantages of splendid discoveries, where antiquated abuses formerly reigned, is almost entirely unknown among them.

The important object of impelling their sensibilities to sympathise with ours, which must be preparatory to that powerful influence, which it is so strong an object with the government to attain, will be greatly aided by an intimate approximation of the common habits and customs of life. None have a greater influence than the pleasures of the table, to which this gross people are remarkably addicted. But Frenchmen cannot partake of these pleasures, and thus preserve a desirable intimacy, without a radical change in their art of cooking: even French enthusiasm becomes chilled in the daily encounter of huge pieces of half boiled meat, clammy puddings, and ill-concocted hashes, rendered palatable to the natives by a profuse addition of this most villainous sauce. From the most accurate observations, I am convinced, that French cookery, to which they generally have a dislike, will never be effectually introduced among them, till the preparation, treated of in this memoir, shall be no longer used; because, from its universal use, possessing a mixture of sweetness and acidity, it stimulates their appetite, and prevents them from perceiving the insipidity and staleness of their dishes, and makes them insensible to the advantages of our various rich sauces. Perhaps it would do no harm to leave them the use of this fruit in their pastry, though in this case, a recurrence to ancient habits, would always be a subject of apprehension. The *ommelettes aux confitures* and the *jambons sucrès* might also be introduced advantageously, which, by flattering the national taste for sweet things, would help to soften their prejudices.

The difficulty attendant on the achievement of this reformation cannot be concealed, the custom is universal. Dining once with one of the cabinet ministers, at the seat of government, there were four soup plates of this article, at the four corners of the table, which is a strong proof that this practice is carried on by persons even in the most exalted stations, though he was from that portion of the United States, where the habit is most inveterate. It must first be discountenanced in the most fashionable circles, as it is a trait in the character of this nation, servilely to follow fashion, and though some repugnance would be shewn at first, in what affected them so intimately, perseverance would ensure success.

It might be suggested further to their political œconomists, that, by disuse of this fruit, a large quantity of meadows, now useless, might be reclaimed and added to their national resources: that a very considerable addition of wholesome food would be thus procured for their horses and cattle, that is now lost by suffering the growth of this pernicious berry, which, in its preparation, requires such a quantity of sugar, as

greatly to increase their humiliating dependency on the colonies of foreign nations.*

These and other arguments might be urged to destroy a practice, which I am intimately persuaded, it is the immediate interest of the French Government to have exterminated.

* The acquisition of Louisiana weakens the force of this argument.—*Trans.*

For the Anthology.

REMARKER, No. 37.

Insanientis sapientiæ
Consultus. Hor.

An attempt to explain, on the principles of sober philosophy, all the vagaries of capricious nature, is idle and abortive. Nothing reads us a more effectual lesson on the imbecility of human effort, than our endeavours to reconcile all appearances, either in the natural or moral world, to the system which we have erected. Our vanity leads us to believe, that, by fair deduction from facts, we have ascertained the latent principle, that moves the vast and infinitely intricate machinery of nature. New cases daily occur to try the strength of this hypothesis, often in direct contradiction to it; and as fact is too stubborn to be bent to our purposes, there remains but the other alternative, which is *to bend our purposes to fact.* In this manuer, the principle, which, on its first adoption, we regarded as a cardinal doctrine, and venerated like an oracle, is violated so much, that contempt succeeds to idolatry. Some enthusiasts pursue a different line of conduct; they follow with senseless devotion the idol of their own creation through every obstinate fact, attempt a reconciliation between light and darkness, and eventually swear that the community are blind, because they are capable of distinguishing the one from the other. This pride of opinion, though much to be lamented so far as regards the object of it, is harmless with respect to others. Men will not be, from a principle of complaisance, talked out of their senses, and whoever by this mode aims at making converts to his doctrine, has the satisfaction of finding himself the only one. This awkward dilemma of the mind, between two extremes, one of which must be embraced, either that the person thus circumstanced is bereft of his senses, or that all the rest of the community are, is commonly decided, as self is the judge, in *favour of self.* If there is not much truth, there is, at least, much nature in the remark of a bedlamite, who, on being asked the cause of his confinement, observed, that he believed the world mad, and they believed him so, and as they were the majority, he was condemned to suffer the penalties of madness. When we once can bring our minds to believe with Hume, that, if we should once behold a miracle, we should doubt the evidence of our senses; and that not because we doubted, that we did not see it, but because we could not account for it on our principles, if we did, we are, to all intents and pur-

poses, madmen. Suppose that one of those fanaticks, who disbelieve the existence of matter, should perpetrate murder. If he is to be tried by his peers, he must be arraigned for deliberately and with malice aforethought discharging his pistol, and shooting an idea through the entrails. Nay, if those who were sworn jurors to try the case, believed themselves flesh and blood, or any thing but so many ghosts associated in the box, it would on the principles of the culprit, be a good ground of challenge to the favour, as on the question, whether they were men or not, would rest the whole merits of his defence.

We pretend not to investigate the question, how far such a principle would be admissible in a court of law; still less are we disposed to determine the point, whether one material idea ought to be hanged for deliberately shedding the blood of another.

Lest, however, our senses should be the dupes of this doctrine, philosophy has, in the plenitude of her benevolence, lent us another consolatory absurdity by way of offset to the former. The principle is, that, whereas it was formerly ascertained that there was no such thing as matter in the universe, it is now discovered, that there is no such thing as spirit existing in the said universe. It has therefore been established, that reason, volition, memory, fancy, judgment, perception, intelligence, motion, &c. do of right appertain unto matter, though heretofore falsely denominated to be the exclusive properties of spirit.

These two contending factions in philosophy have proved, if both of their principles are correct, that there are no such beings as mankind inhabiting the world. One has exiled matter, and the other has exiled spirit, and what further remains to be exiled, it would puzzle the most artful casuist to determine. The misery of such discussion is, that poor human nature is the constant victim of such experiment, and is cut up and dissected with far less remorse than a swine in the hands of the butcher.

Having already remarked, that paradoxes of this kind must, in their nature, be very circumscribed in their effect, no serious injury to society can be apprehended from their indulgence. Writers in their lazy moments have often sported with them, to amuse the fancies of their readers, and, had they not been known as the authors, would probably have been the first to laugh at them themselves. When severely pushed by argument, or satire, there remains but one expedient for them on this side of disgrace, and that is, rather than confess themselves in the wrong, resolutely to adhere to their first opinion, and fairly brazen it out. Such tinctures do times and circumstances, entirely adventitious, give to the moral features of man. It is not violating reason or justice to say, that many authors have been made entire converts to their own opinions by the opposition of other writers. When there is no alternative but a publick confession of their disgrace, they strenuously adopt principles, which, though they advocated before, they never believed in, till that moment. Rousseau embraced some of his wild paradoxes at first to try the strength of his talents; but becoming warm by opposition, they every day settled into probability, and finally into downright conviction.

It would be difficult to decide in cases circumstanced like the present, whether opposition to palpable absurdity does not create more injury

to society, than its most free and unrestrained indulgence. Glittering trifles, the mere butterflies of the moral world, shew the splendour of their pinions, and die of themselves; but, different from their representatives in the natural world, attempt to hunt them down, and you accelerate their motion, and prolong their vitality. All they solicit is a casual glance of attention; but a warm and animated pursuit represents too much the capricious knight of antiquity, who, to give his mistress a proof of his prowess, armed himself in "complete steel," mounted his fiery courser, set his lance in the rest, pursued a grasshopper, and, by a stumble of his beast, broke his neck in the engagement. Learning is never directed to its proper end, when thus employed. The community, from such a bustle of defence, fancy some formidable opponent approaching, and calculate their danger from the strength of the resources drawn out. When the cause of the quarrel is explained, the forlorn victor is rewarded with a laugh, instead of a crown of laurel. One who claims the name of a philosopher rather from the misapplied courtesy, than from the justice of mankind, may gravely maintain that there is no such thing as matter in the world, and another of the same class, that there is nothing but matter. After all the shedding of ink, which the controversy may occasion, we have no cause to apprehend a shedding of blood. The parties will never agree to try their dispute by the criterion of a duel, since the one, though he believes his antagonist an imaginary existence, may find him a real one to his cost, and the opponent, whatever he may think of other pieces of human lumber, might regard his own, as too valuable to be made the target, in such kind of philosophical experiments. Christianity apart, this is the only case, in which we think this mode of trial justifiable, and that controversies of this kind can only be decided in that way, for the community to know, whether the professors themselves believe in the doctrines they inculcate.

R.

For the Anthology.

ORIGINAL LETTERS;

From an AMERICAN TRAVELLER in EUROPE, to his friends in this country.

LETTER TWENTY-SECOND.

Rome, Dec. 2, 1804.

MY DEAR SISTER,

I HAVE this day (being Sunday) been to St. Peter's, the head of the Catholick, and, as they say, of the *Christian* church; and as the ideas, which this visit has excited, may afford you some information and amusement, I have resolved to sketch them to you. I have given you upon another occasion the description of the splendour of St. Peter's and the Vatican, the most imposing objects of the *modern* world. The manners and ceremonies of Roman

worship shall be exclusively the subjects of present inqniry. You will recollect that we now draw near the period fixed by the later Christians for the birth of our Saviour, and as that event or the anniversary of it approaches, the ostentation of Catholick worship increases. This Sunday, being the first in the *Advent* or *coming* of our Lord, is celebrated in Rome by the communion, which was this year performed in great style by the cardinals in absence of the pope, who has gone to Paris to consecrate the new emperour. I should vainly attempt to give you a correct idea of the magnificence of the Roman Catholick worship in this its principal seat. In St. Peter's, the ordinary number of canons, who assist at publick worship, is not less than sixty. They are clothed in sumptuous apparel, and chaunt the grand mass with dignity and imposing effect. The chapel, in which this mass is performed, is splendid beyond conception. St. Peter's contains twelve or fourteen of these chapels, all of which are rich and magnificent.

In the Gregorian chapel they prepare the communion table, and four cardinals assisted at the ceremony. These cardinals arrive at St. Peter's in a style superiour to that, which any crowned head in Europe assumes on common occasions. They have two superb coaches for *each* of them, both of a bright crimson colour richly ornamented with gold, with four servants behind the first, and two behind the second coach. The cardinals are dressed in rich purple robes of the most precious kind, with a hat of crimson. Their train, which is very long, is upheld by gentlemen, arrayed in black silk gowns like those used by our clergymen, and they appear to be, and I believe are, men of good manners, and I dare say of science and erudition. The cardinals enter the church with a vast train of servants, one carries the hat, another the umbrella, a third the cloak, besides a considerable number of well dressed dependants. When the cardinal kneels, his whole cortege, or retinue, kneel and pray with him. After the service is finished, the cardinals proceed one by one to pay their obeisance to the statue of St. Peter ; (which, by the way, was made out of a statue of *Jupiter Capitolinus*) a genteel man, dressed in black, precedes his excellency, to wipe with a white handkerchief the foot of the statue, which had been soiled by the constant embraces of the vulgar. The cardinal then advances, kisses it, rubs his forehead against the toes, says a short prayer, again kisses it, and departs to repeat the same ceremonies in another chapel. When the vulgar, or even laymen of rank, say their prayers, they fall down on the bare marble floor : *not so* the lofty cardinal ; he is preceded by a gentleman usher, who drops a soft silk purple velvet cushion, upon which his sacred knees softly recline. The service finished, the cardinals retire in the same ostentatious style, in which they came.

When one reflects, that all the pre-eminence claimed by the church of Rome, its popes and its cardinals, is derived from the idea of their being the direct, and *only* legitimate descendants of the primitive church and of the apostles : that they aver, that all the apostolick powers and privileges, all the pre-eminence and authority, which were vested in those most excellent, glorious and brave defenders of our faith, have devolved upon them, one cannot help contrasting, the pure, modest, humble manners, the simplicity and poverty of the *one*, with the refined

ostentatious, magnificent, proud behaviour, the riches and luxuries of the *other*. Who would believe, that the present splendid claimants of the apostolick functions were the imitators of the humble and lowly Saviour, who often knew not where to lay his head, who despised, and taught his followers to contemn the forms and pageantry of this world; that they pretend to be the successors of those heroick disciples and inspired heroes, who suffered exile, persecution, poverty, distress, death, for the religion, of which they were the worthy and disinterested professors? In place of setting at nought the honours and pleasures, the vanities and luxuries of this life, you must search every thing which is rich, magnificent, costly, luxurious, of high value amongst men, all the fine arts, all which can contribute to pride, splendour and human grandeur, in the palaces of cardinals, popes and their relations. What is the Vatican, what St. Peter's, but the coverings to the splendid mausolea of deceased popes, little if any inferiour to those of Augustus, of Trajan, or Adrian?

One might forgive this splendour, this perversion of the first principles of christianity, if it was not accompanied with the impious claims of exclusive sanctity. But what can you say of it, when you perceive its effects in society? In order to maintain a system so flattering to pride, so gratifying to human ambition, yet so repuguant to reason and the correct principles of christianity, men must be made dupes. Such expenses can be defrayed only from the treasury of tyranny; it must be a tyranny over the purses and the bodies, or over the minds of men, over the *purses* at any rate. This can be effected only by making men superstitious, and they can be made so only by rendering them ignorant. See then, in two words, the great secret of Catholick influence, ignorance and its sister, superstition.

But this you will say is *common place;* you are repeating the fine sayings of Voltaire, and a thousand others, who have said them much better. Not at all.—I came into Italy free from prejudices. My ideas, feelings, wishes are all against the New School, all averse to innovation. I was and still am disposed to overlook, to pardon the errours of papacy; but I cannot, in my conscience, refrain from censuring the proud luxury of these Roman lords, or the miserable blindness of their tools.

When I see men believe, because they are told they must, the most absurd legends, infinitely more ridiculous than the doctrine of witchcraft, when I see indulgences daily offered for sale, when I observe even the talents of men of genius employed in pictures to represent *modern* saints, Capucins, Franciscans and others, as curing the blind and even raising the dead, when I see the Catholick doctrine of purgatory represented with all the eloquence of the pencil, and perceive *souls* raised by prayers, after punishment, from hell to heaven, (for such representations have I seen) how can one help feeling a degree of indignation at men, who can countenance, or who do not *condemn errours* so fatal to the genuine practice of the gospel principles? What people will ever be willing to mortify their unruly passions, to live a life of self-denial, to wage a perpetual warfare with sin, who believe, that a few masses, a death-bed repentance, and an absolution by a priest, who knows nothing of their state of mind, can wipe away every transgression?

Do you need other arguments in

proof of the dangerous security, in which the Catholicks of Italy find themselves? You will see it in their habits and manners. The Sunday is with them a day of gaiety and festivity even at Rome. There are no sermons, to enlighten or instruct; no exhortations at most of the churches; no conveniences for the worshippers. The priests are conceived to do *all*. The people enter at *all periods* of worship, stay as long as they please, pray when they please, and depart with joyous and happy faces; convinced that a kiss of St. Peter's foot and the holy water, has expiated all the sins of the week. Such never was, and never can be the design of the gospel. If the *Protestants* do not practice better, the greater will be their condemnation, because they certainly think more correctly.

They know that our holy religion is of the heart, and not of ceremonials only. Perhaps I ought to except some of our own sects, who place as little reliance on good works, and as much on unintelligible mystery, as the Papists. I have been puzzled to know, how the Catholicks get rid of the commandment, which forbids them to worship "any graven image in the likeness of any thing, that is in the heavens above," when it is notorious that they do worship many graven or *sculptured images*. In vain *shall they* say, that they worship the person typified by the image, and not the *image itself*, because, "out of their own mouths I will condemn them." If they worshipped the person, and not the image, then all images of the same person would be held in equal veneration, but so far is this from being true, (without mentioning our *Lady* of Loretto, and the *Virgin* of Bologna, which are worshipped because they are the workmanship of St. Luke, whom the Catholicks say, was a sculptor and painter,) we will notice only those cases, which occur in Rome, and which, being under the immediate notice of the *father of the faithful*, he must be responsible for.

There is a picture of the Virgin near *the house*, in which we reside, in the open street upon a wall (a thing not uncommon here) which attracted my attention, from having observed that all descriptions of persons, the better informed as well as vulgar, pulled off their hats with great devotion as they passed. Upon inquiry, I found, that this *particular image* was called Notre Dame des Miracles, our lady of miracles, and it is averred, that she has been known to perform a great many.

There is another of this kind near St. Peter's, where the grateful patients, who have been restored by this *particular image of the Virgin*, have offered up their praises and acknowledgments by paintings suspended around the chapel, descriptive of the particular calamity or evil, from which they were delivered by the influence of this image. You see drawings of legs, hands and other parts of the human body, which have been put on, after being cut off, or otherwise restored miraculously.

When you add to this the devotion paid to St. Peter's bronze statue, which is not paid to any other of St. Peter's likenesses, with which Rome abounds, I think I am justified in saying, that the worship of the papists at Rome bears very hard upon a breach of the commandment above cited.

Another remark on the religion of this nation, and I believe you will be glad that I have closed. In no place, in no quarter of Europe, or I believe of the world, do you see so much poverty, distress, such truly heart-breaking scenes, as

at Rome. In vain do the sovereign pontiffs intimate upon *their coins*, that the "poor you have always with you;" the maxim is forgotten as soon as uttered, and in no part of the civilized world are the poor apparently so neglected. Pray heaven that the government are not answerable for this neglect; it would be too weighty a burden!!

Yours, &c.

ABSTRACT OF INTERESTING FACTS RELATING TO THE NEW TESTAMENT.

[The following abstract of some of the most important facts, relating to the Canon and the Text of the New Testament, we presume, will be generally interesting, especially to those, who have not leisure to peruse large works on this subject. No man ought to be deterred from reading any thing, which relates to the authority of that book, from which we all profess to take our faith, by the notion that it is the proper business of theologians. The information in the following numbers is important to every man, who has an English or a Greek Testament. It is an excellent abstract of the principal points in the history of of the text.]

Sec. 1.—*Canon of the New Testament.—Distinction between the disputed and the undisputed Books.*

THE Canon of the New Testament is a collection of books, written by the apostles, or by men, who were companions of the apostles, and who wrote under their inspection.

These books are called the canon, from a Greek word, which signifies *a rule*, because to a christian they constitute the only proper and sufficient rule of faith and practice.

These books are also called The Scriptures, or The *Writings*, because these Writings are held by christians in the highest estimation. They are the scriptures of the New Testament, or, more properly speaking, of the New Covenant, because they contain a complete account of the christian dispensation, which is described as a covenant, by which Almighty God engages to bestow eternal life upon the penitent and virtuous believer in Christ. For this reason the christian scriptures, and particularly the books, which contain the history of Jesus Christ, are called the Gospel, or *Good news*, a literal translation of the word ευαγγελιον, as these sacred writings contain the best tidings, which could be communicated to mankind.

The canon of scripture is either the Received Canon or the True.

The Received Canon comprehends the whole of that collection of books, which is contained in the New Testament, and which are generally received by christians, as of apostolical authority. The True Canon consists of those books only, the genuineness of which is established upon satisfactory evidence.

When, or by whom, the received Canon was formed is not certainly known. It has been commonly believed, that it was fixed by the council of Laodicea, A.D. 364, but this is certainly a mistake. The first catalogue of canonical books, which is now extant, was drawn up by Origen, A. D 210. It leaves out the Epistles of James and Jude.

The genuineness and authority of every book in the New Testament

rests upon its own specifick evidence. No person, nor any body of men, has any right authoritatively to determine concerning any book that it is canonical and of apostolical authority. Every sincere and diligent inquirer has a right to judge for himself, after due examination, what he is to receive as the rule of his faith and practice. The learned Jeremiah Jones on the Canon, and Dr Lardner's laborious work upon the Credibility of the Gospel History contain the most accurate and copious information upon this subject.

The most important distinction of the books of the New Testament is that mentioned by Eusebius bishop of Cesarea in the third book of his Ecclesiastical History. He distinguishes them into the books which were universally acknowledged, ὁμολογούμενα, and those which though generally received were by some disputed, ἀντιλεγόμενα.

The books universally acknowledged are, the four Gospels, the Acts of the Apostles, thirteen Epistles of Paul the first Epistle of Peter, and the first Epistle of John. "These only," says Dr Lardner*, should be of the highest authority, from which doctrines of religion may be proved."

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These distinctions prove the great pains, which were taken by the primitive christians in forming the Canon, and their solicitude not to admit any book into the code of the New Testament, of the genuineness of which they had not the clearest evidence. It is a distinction of great importance to all, who desire to appreciate rightly the value and authority of the several books, which compose the received Canon.

Sec. 2.—Brief Account of the received Text.—Editions of the Greek Testament by Cardinal Ximenes, by Erasmus, Robert Stephens, Beza, and Elzevir.

A text perfectly correct, that is, which shall in every particular exactly correspond wish the autograph of the apostles and evangelists, is not to be expected. We must content ourselves with approximating, as nearly as possible, to the original. The utility of this is too obvious to need either proof or illustration.

The Received Text of the New Testament is that, which is in general use.

The degree of credit, which is due to the accuracy of the Received Text, will appear from the following brief detail of facts.

The New Testament was originally written in Greek: perhaps with the exception of the Gospel of Matthew, and the Epistle to the Hebrews, of which books, however, the earliest copies extant are in the Greek language.

Previously to the Reformation in the sixteenth century, the Greek copies of the New Testament were grown into disuse: the priests used an imperfect Latin translation in the publick offices of religion, and all translations into the vulgar tongue for the use of the common people were prohibited or discouraged.

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* Lardner's Supplement. vol. 1. p. 29: ch. ii. § 4.

Alcala, in Spain, a magnificent edition of the whole Bible in several languages. In this edition was contained a copy of the New Testament in Greek, which was made from a collation of various manuscripts, which were then thought to be of great authority, but which are now known to have been of little value. This edition, which is commonly called the Complutensian Polyglot, from Complutum the Roman name for Alcala, was not licensed for publication till A D 1522, though it had been printed many years before. The manuscripts, from which it was published, are now irrecoverably lost, having been sold by the librarian to a rocket-maker about the year 1750*.

A. D. 1516, Erasmus, residing at Basle in Switzerland for the purpose of superintending the publication of the works of Jerome, was employed by Froben the printer to publish an edition of the Greek Testament from a few manuscripts, which he found in the vicinity of that city, all of which were modern and comparatively of little value. Erasmus was not allowed time sufficient to revise the publication with that attention and care, which the importance of the work required: he complains that the persons, whom he employed to correct the press, sometimes altered the copy without his permission, and he acknowledges, that his first edition was very incorrect. He published a fourth edition, A. D. 1527, in which, to obviate the clamour of bigots, he introduced many alterations to make it agree with the edition of Cardinal Ximenes.

A. D 1550, Robert Stephens, a learned printer at Paris, published a splendid edition of the New Testament in Greek, in which he availed himself of the Complutensian Polyglot, and likewise of the permission granted by the king of France to collate fifteen manuscripts in the Royal Library. Most of these manuscripts are to this day in the National or Imperial Library at Paris, and are found to contain only parts of the New Testament: and few of them are either of great antiquity or of much value. They were collated, and the various readings noted by Henry Stephens, the son of Robert, a youth about eighteen years of age. This book, being splendidly printed with great professions of accuracy by the editor, was long supposed to be a correct and immaculate work: but, upon closer inspection, it has been discoved to abound with errours. The text, excepting the Revelations, in which he follows the Complutensian edition, is almost wholly copied from the fifth edition of Erasmus, with very few and inconsiderable variations †

A. D 1589, Theodore Beza, professor of theology at Geneva, and successor to John Calvin, published a critical edition of the Greek Testament, in which he made use of Robert Stephens's own copy, with many additional various readings from the manuscripts collated by Henry Stephens. Beza was also in

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* See Dr. Marsh's edition of Michaelis's Introduction to New Testament, vol. ii. p. 441.

† Robert Stephens was the person who divided the New Testament into verses. He performed this task, while he was upon a journey from Lyons to Paris, in order to adapt it to a Greek Concordance, which he was then preparing for the press. He placed the figures in the margin of his page. The first edition, in which the verses were printed separate with the number prefixed to each, was the English New Testament, printed at Geneva, A. D. 1557. The division into chapters had been made in the thirteenth century by Cardinal Hugo, to adapt the New Testament to a Latin Concordance.

possession of two most ancient and most valuable manuscripts; one of which, containing the Gospels and the Acts in Greek and Latin, he afterwards gave to the University of Cambridge: and the other, called the Clermont manuscript, which contained the Epistles of Paul, was transferred to the Royal Library at Paris. Beza took but little pains, and exercised but little judgment, in the correction of the text, and the selection of the best readings. Nevertheless the text of Beza, being esteemed the most accurate of those, which had been then published, was selected as the standard of the English version published by authority. Beza's text, however, appears, in fact, to be nothing more than a republication of Robert Stephens's, with some trifling variations.

A. D. 1624, an edition of the Greek Testament was published at Leyden at the office of the Elzevirs, who were the most eminent printers of the time. The editor, who superintended the publication, is unknown. This edition differs very little from the text of Robert Stephens. A few variations are admitted from the edition of Beza, and a very few more upon some unknown authority; but it does not appear, that the editor was in possession of any manuscript. This edition, however, being elegantly printed, and the Elzevirs being in high reputation for correctness of typography, it was unaccountably taken for granted, that it exhibited a pure and perfect text. This, therefore, became the standard of all succeeding editions, from which feweditors, till very lately, have presumed to vary: and this constitutes the "Received Text."

Thus it appears that the Received Text stands upon the authority of the unknown editor of the Elzevir edition, who copied the text of Robert Stephens, introducing a few variations from that of Beza. The edition of Beza was also taken from that of Robert Stephens, with a few trifling, aud sometimes even arbitrary alterations. But Robert Stephens's famous edition of A. D. 1550 is a close copy of the fifth edition of Erasmus, with some alterations in the book of Revelation, from the Complutensian Polyglot, and the addition of a few various readings, collected by a youth of eighteen, from fifteen manuscripts of little value. And, finally, Erasmus's edition itself, which is the prototype of them all, was formed hastily and negligently from a few manuscripts of little authority, which accidentally came into his possession at Basle, where he was engaged by Froben in editing the works of Jerome, and where he had no further assistance than what he could derive from the Vulgate Version, and from inaccurate editions of some of the early ecclesiastical writers.

From the few advantages, which were possessed, and from the little care, which was taken by the early editors, it may justly be concluded, not only that the Received Text is not a perfect copy of the apostolick originals, but that it is still capable of very considerable improvement by the same means, which are adopted by men of learning and sagacity for correcting and restoring the text of other ancient writers.*

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* See Griesbach's Prolegomena, sect. i.: Dr. Marsh's Michaelis, vol. ii. chap. xii. sect. i.

For the Anthology.

SILVA, No. 44.

Optima Silvarum. - - - - - - *Juvenal, 1 Sat. 135.*

SAUL.

The poem of Saul contains many passages that justify any expectations, that the high reputation of the author may have raised. His heart is alive rather to the gentler tones of feeling than to swelling sublimity, and in that department some of the most beautiful specimens in our language are contained in Saul. Though the characters of sacred story are not very proper for epick productions, that of David is perhaps an exception. David was an hero, and, in the modern dialect, a gentleman. His character combines almost every thing to interest: the sweet simplicity of his original state first catches the attention; his call by the immediate voice of heaven to the throne of Israel elevates the feelings to awe, yet this sensation is alleviated and harmonized, when we see the youthful monarch assume the character of the sweet musician, the elegant bard, the warm and unfortunate lover, the ardent friend, and, finally, the successful conqueror. Such a character cannot but awaken interest. In the following lines the poet describes his sensations on returning to his native shades after the conquest of Goliah.

Ah, in vain thy favourite grot
Invites thee to repose. The fresh springs gush
Pleasantly round; and sweet the noon breeze sings
On the dark ivy mantling round the wall
Luxuriant. Minstrel! 'tis the grot, wherein
Thy melody so oft with praise awoke
The dawn and closed the evening shades with song.
These, all, have ceased to breathe on thee delight,
They sooth not woe like thine.

The character of Samuel, though not dilated, is marked with strong touches. It is one almost unknown to the walks of poetry. It has something indeed in common with the prophets of antiquity; the Cassandras, the Pythias, &c. But the conception is infinitely more grand and solemn of a man, from very birth devoted to a holy mission, filled through the course of life with the immediate dilating inspiration of heaven, and whose voice was the organ of Deity. He was

A venerable man that had out-lived
Many a generation. Hoar with age
His unshorn hair, and white as snowy flake
The beard that swept his breast. Yet firm his foot
Stept without staff, and his dark eye, undimmed,
Shot forth celestial fire that gave each word
Strange force.

The requiescat of the poet over his grave is worthy of its object.

Rest, venerable prophet, rest in peace,
Thou hast fulfilled thy mission—
Rest, venerable seer, brow hoar with age,

Rest in the peace and sabbath of the tomb,
Till from the bond of death God calls thee forth
A spirit unflesh'd, once more to rise on earth,
And pour heaven's judgment on the unrighteous king.

.....

MODERN ENTERPRISE.

PERHAPS in nothing is the superiority of the moderns over the ancients more apparent, than in that enterprising spirit, which leads them to explore the most distant and barbarous countries in the pursuit of knowledge, or of wealth. The national vanity of the Greeks prevented their attention to the laws, customs, or manners of foreigners, who were indiscriminately stigmatised with the epithet of barbarous. The knowledge of the Romans was bounded by the pillars of Hercules. "Solis cubilia Gades" were the words of Statius, to express the termination of the earth. The following inscription, said to have been found at Cadiz, is preserved in the supplement to a work, entitled, "Theatrum Orbis, auctore Abramo Ortelio."

"Heliodorus Insanus Carthaginiensis ad extremum orbis sarcophago testamento me hoc jussit condier; ut viderem, si me quisquam insanior ad me visendum usque ad hæc loca penetraret."

.....

LOVE.

IN allusion to les sept alegresses de la Sainte Vierge of the Romish ritual, Lorenzo has decribed le sette allegrezze d'amore, of which the following is the second. It is translated in the measure of the original, excepting the redundant eleventh syllable at the end of every line.

And next the joy, by favoured lovers planned,
When spreads the luscious dance its mazy spell,
To touch my fair one's gently yielding hand,
Or press, scarce feelingly, some softer swell.
And now, as sport, or thought engage the band,
In listening ear love's timid thought to tell;
O'er the lawn folds with downy touch to glide,
Though light, yet conscious of the charms, they hide.

.....

PEIRESC.

"THE death of Peiresc," says Dr. Johnson, in one of his letters, "was celebrated in forty languages." This hero, at whose death the muses of every clime were in mourning, was a nobleman of Provence, in France, of the sixteenth century. His great reputation was created and supported by an astonishing versatility of powers, that attempted and succeeded in every department of science. In his travels through every part of Europe, he was courted and caressed by the literati wherever he went. After conversing with Fra Paolo, at Florence, with Spencer and Camden, in London, with De Thou and Casaubon, at Paris, with Joseph Scaliger, at Leyden, and Hugo Grotius, at the Hague, admired and caressed by them all, he returned to Aix, where he received the dignity of counsellor of parliament. The numerous eulogies written at his death were published in a volume entitled Panglossia. The academy at Rome paid him distinguished honours, and his funeral oration was pronounced at Paris. The only monument, how-

ever, left to posterity of his literary exertions, by the delight of his contemporaries and the wonder of his age, is a Dissertation on an ancient Tripod.

.....

SHAKESPEARE'S MEASURE FOR MEASURE.

I DO not like the character of Isabella. She was cold, and formal, and precise.

" Her blood
" Was very snow-broth."

When informed that her only brother was condemned to death, and entreated to use her influence with Lord Angelo to procure his pardon, she merely says,

" I'll see what I can do."

When admitted into the presence of the Deputy, she urged her suit so faintly, that Lucio exclaimed,

" If you should need a pin,
" You could not with more tame a
" tongue desire it."

Claudio at first, with honest indignation, rejects the pardon, which was offered to him at the expense of his sister's honour. But after reflecting upon the terrours of death, and conjuring up a thousand fearful phantoms, the love of life predominates. " Sweet sister, let me live." Isabellathen breaks out in a strain of passion and invective unbecoming her character and her brother's situation; and which, when compared with the mildness, with which she herself received the proposal from Angelo, stamps her conduct with unkindness, and even cruelty. Instead of soothing him with her tenderness, and attempting to destroy his sophistry by reason and argument, she exclaims:

" Oh, you beast!
" Oh, faithless coward! oh, dishonest
" wretch!
" Take my defiance!
" Die! perish! *might but my bending down*
" *Reprieve thee from thy fate, it should proceed.*
" *I'll pray a thousand prayers for thy death;*
" *No word to save thee.*"

The only trait of humanity, which she discovers, is in pleading for Angelo's life; and even then her argument is dictated by a little female vanity.

" I partly think
" A due sincerity govern'd his deeds,
" 'Till he did look on me."

When, at the close of the play, the Duke offers her his hand, our feelings revolt, and it seems almost a breach of poetical justice.

.....

YORK AND LANCASTER.

IN the wars between the white and red roses, a young nobleman of the former house was parted by the disasters of civil discord from the object of his love, a beautiful lady of the Lancastrian faction. He sent her a white rose, the emblem of his party, with the following lines, which unite a pointed conceit with simple tenderness.

Love, if this rose offend thy sight,
It in thy bosom wear;
'Twill blush to be outdone in white,
And grow Lancastrian there.

.....

ECCE ITERUM CRISPINUS.

WHEN Rousseau dedicated the Nouvelle Heloise to posterity, Voltaire observed, that it would never

reach its designation. As it happened, the prediction has not been verified. Soon after the publication of Gray's sister odes, "The Wonderful Wonder of Wonders," a pair of poems was published in ridicule of them, which, like the work of Rousseau, have been delivered according to their direction. They were addressed by their authors, Colman and Lloyd, to Obscurity and Oblivion, and the address has been most scrupulously followed. Both of them are equally and totally obscure, and forgotten.

"Fond impious man, think'st thou yon sanguine cloud,
"Raised by thy breath, has quench'd the orb of day?
"To morrow he repairs his golden flood,
"And warms the nations with redoubled ray."

.....

MODERN POETRY.

THE fondness of the present age for the tales of ignorance and superstition, for the ghosts and goblins of the nursery, might give rise to much curious speculation. Is the progress of taste and knowledge similar to that of the human body, and have we arrived at second childhood? Whatever may be the cause, the fact is certain. This propensity to the marvellous, united with an affectation of ornament or of plainness, of glittering epithet or of childish simplicity, has rendered the greater part of modern poetry disgusting to a classical taste. The following lines, it is presumed, will agree with the prevailing fashion. Some apology may be necessary for their insertion. What is done easily, ought to be done well.

Wild wav'd the forest, the lightning was streaming
In sulphurous flames o'er the dark bending trees;
On the summit of Keasarge meteors were gleaming,
And voices were heard on the echoing breeze.
Stranger! thou sigh'st for the blush of the morning,
Thy wearisome path-way with pleasure adorning—
In vain, for the spirit of Mariton warning,
Bids the storms and the tempest around thee increase.

Ah, desolate stranger! no fond doating mother
Shall soothe in sweet accents thy wild-throbbing breast;
No sister is near thee, no pitying brother—
The murderer's conscience is never at rest.
Did Mariton fall? near his own cottage lying,
While his wife and his children from slavery were flying,
In the manly defence of their rights nobly dying?
And dost thou presume with repose to be blest?

The murderer 's gone. His body is wasted;
No lov'd-one was near him, his relics to save.
On the spot where he lay all verdure is blasted,
And trees, scath'd with lightning, their wild branches wave.
And oft, more in number than waves of the ocean,
A dæmon choir dances with frantick emotion,
Involving all nature in storms and commotion,
And sulphurous flames play over his grave.

POETRY.

ORIGINAL.

HYMN ON DEITY.

ASCRIBED TO ORPHEUS.

[ORPHEUS was one of the heroes who embarked in the Argonautick expedition, in the 79th year before the taking of Troy. The poems, which pass under his name, are, by Aristotle, attributed to a Pythagorean Philosopher, named Cecrops. Most of the moderns ascribe them to Onomacritus, who lived in the age of Pisistratus, Tyrant of Athens, B. C. 516. The author, whoever he was, had, undoubtedly, some acquaintance with the Jewish Scriptures.]

I SPEAK to ears initiate. Far remov'd
Be every vulgar eye. Thou only, Moon,
Rolling full-orbed in silent majesty,
Witness my song. I utter truths sublime;
Truths, which the soul exalt. In mute attention
Listen; for I proclaim a DEITY!

The Almighty One, self-born, all glorious,
Exists; Creator blest, wide nature's sovereign,
Invisible to mortal eye; but he,
Watchful forever, guards his boundless works.
He, of his goodness, chastens man; he sends
War, famine, pestilence. He, he alone,
Uncounselled, governs and directs the whole.

O, come with me, my friend, adoring trace,
In all his works, the footsteps of a God.
His hand sustains, his powerful arm upholds
Creation; he himself invisible;
For clouds and darkness shroud him. He, remov'd
High in the heaven of heavens, dwells not with man;
No eye beholds him, save the Son belov'd,
Of wond'rous origin, Chaldea's hope.

God in the heavens resides. The rolling world,
The star-bespangled firmament, the sun,
Evening's mild lamp, creation's utmost bounds
Extended lie before him. He directs
The ceaseless flow of ocean. He, in storms,
Rides on the whirlwind, hurls the fire of heaven.

God in the heavens resides. He spreads his arms
To ocean's utmost bounds. At his approach
The mountains tremble ; from their bases leap
The everlasting hills. To his high power
Earth bows submissive. He, the first and last.

No more. I tremble to proclaim his power ;
God, from on high, the universe sustains.
My friend, restrain thy lips. In silent awe,
Bow, and adore the wonder-working God.

HYEMS CONVIVIO SUBLEVANDA.

.....

Dum ruit tectis superante nimbo
Atra tempestas, furit atque ventus,
Creber et pulsis crepitat fenestris
Grandinis ictus,

Horreat nauta in pelago prehensus,
Horreatque expers chlamydis viator,
Horreat, si quem foribus focisque
Expulit uxor.

Me tamen salvo, furit imber et nix,
Nil nocet frigus, crepitante flamma,
Dumque apud mensam sedeo biboque
Inter amicos.

Turbinis stridorem imitamur intus,
Cum fremit ventus, fremimus vicissim,
Si fluunt imbres, fluitet Falernum
Amnibus æquis.

Jam jocos tempusque agitare salsos,
Jam juvat risus strepitusque ludi,
Frigida et nox fit calida, atque fiunt
Fervidi amici.

At procul sint invidia atque rixæ,
Fumus et tetri procul O tabaci!
Mentibus ne quà noceat simultas,
Naribus æ[illegible].

THE BOSTON REVIEW.

FOR

OCTOBER, 1808.

Librum tuum legi & quam diligentissime potui annotavi, quæ commutanda, quæ eximenda, arbitrarer. Nam ego dicere verum assuevi. Neque ulli patientius reprehenduntur, quam qui maxime laudari merentur. PLIN.

ART. 30.

Modern Chivalry: containing the Adventures of a Captain, and Teague O'Regan, his servant. By H. H. Brackenridge Philadelphia. J. Conrad & Co. 2 vols. 12mo. 1804.

(Continued from p. 508.)

THE author's creed in politicks is democratical. Yet it is founded on the true, genuine, unadulterated principles of democracy, and is generally free from any factious opinions, which, in modern times, may have been supported under the sanction of that appellation. The personal character of the man gives weight to the declaration of his opinions. When his brother Judges of opposite politicks were impeached for an obnoxious sentence, Judge Brackenridge requested that he also might be included, as his opinions perfectly coincided with theirs, though he was not present to deliver them publickly. This measure produced an address from the legislature of Pennsylvania to their Governour, to remove him from office, which was justly unsuccessful. A man that could thus act from the dictates of conscience, without listening to the yell of party, or the still small voice of interest, is no factious demagogue, norintriguing politician. Those that may differ from him on some points in politicks, must revere his integrity, and look upon his ostensible sentiments, as the honest feelings of his heart. He is a friend to democracy as pure as is consistent with quiet. Like all other rational men, he sees the most obvious evil attending on this form of government, that by frequent elections, the rabble are exalted, and virtue and talents are depressed. This he endeavours to expose by the ridiculous elevation of a vagrant Irishman to offices of respectability and honour. It is painful to see that in many instances the enthusiasm of an honest mind, warm with schemes of liberty, rises in its projects above the scope of human means. Under a similar influence, Judge Brackenridge expresses his opinion on certain measures of government, and parts of the constitution. He advances, for in-

stance, the idea, that it would be better for the country that all restraints on naturalization should be removed, that every foreigner on his first entrance into the country, whether wealthy or indigent, should immediately have a free right to elect or be elected This country, he considers, as the great asylum, where the unhappy and the oppressed of every clime are to find repose. "Here the wicked are to cease from troubling, and here the weary be at rest" Here liberty has blown a trumpet, whose voice has gone forth to the four winds of heaven, to invite the slave of despotism, and the victim of popular fury, to cross the ocean and sing his "Io triumphe" before the altar of reason and improvement. Neither the nature of our work, nor the limits of our examination, invite to political discussion Yet we cannot but observe, that the conduct of many foreigners, who have taken advantage of this happy asylum, ought to prove the necessity of strong and operative restrictions. While we thus animadvert on the excess of some of his theories, we would give most unfeigned approbation to the candour and moderation of the author as a political partisan. It is a virtue, that, in times like these, shines forth with peculiar lustre. When the spirit of party is found, not only rioting in personal abuse, but openly discussing the separation of the United States, an event that ought not be thought on without horrour, we almost blush for our opinions. The rational investigation and respectful censure of the Judge deserve to be regarded and imitated. "*Fas est ab hoste doceri.*"

However general a man's knowledge may be, it is natural, that he should succeed best in discussing subjects connected with that profession, that he has made his particular study. That part of this work, and it is no small one, that has a legal aspect, is perhaps better executed than any other. He has treated judicial matters in both a serious and a burlesque style. In one part, he gives directions to the barrister concerning the best method of managing his cause, and arranging his argument, in another, he introduces a dissertation on the duties and behaviour appropriate to the bench. Several law cases, reported in different parts of the book, are intended to ridicule the quibbles and frivolous distinctions of the profession One of these has already been extracted: the following is another instance.

The Captain, having been led to think so much of law, of late, was struck with the idea of visiting courts of justice, and hearing some of those cases argued, which come before them. Understanding that a court was then sitting, he resolved to take the opportunity of the interval of Teague's purgation, in the work-house, to amuse himself with the pleading of the advocates. Accordingly, repairing to the court house he took his place amongst the crowd, and listened to what was going forward

What came before the court was a motion in arrest of judgment. A Jonathan Munn had been indicted, and found guilty of "feloniously taking and carrying away water out of the well of Andrew Mab." It was moved in arrest of judgment, that larceny could not be committed of water in a well, it being real property; for it was a distinction of the common law, that larceny could not be committed of things real, or savouring of the realty, Black. 232 2 Ray. 470. Hawkins, &c. So that taking away the soil was merely a *trespass*; and taking away the water could be no more.

It was answered that water being *fluitans, et mobilis*, could not be considered as real property; that an ejectment would not lie for water, but for so many acres of land covered with water, Yelv. 143. 1 Burr. 142. Because it was impossible to give execution of a thing, which is always transient and running, Run. 36, quotes Cro. Jac. 150. Lev. 114. Sid. 151 Thence it is that, in a grant of the soil, it

is necessary, as we see from old forms, to add the right of ways, woods, and water-courses, Lilly. Con. 132. and 179. Bridg. Con. 321. That whatever might be said of water in its natural bed on the soil, as water in a running stream; yet a well being dug by the labour of hands, the water thus acquired, must be counted as personal, not real property. Barbeyrac Titius, and Locke. That at a well, the water being drawn up by the bucket, and thus by one act separated from the freehold, and by another taken from the bucket, it becomes a subject of larceny: as in the law of corn, trees, or grass growing. For if these be severed at one time, and at another time taken away, it is larceny. Hawk. Pl. Cr. 93.

It was replied, that an ejectment would lie of water in a well; for here the water is fixed in a certain place, within the bounds and compass of the well; and is considered as part of the soil. Run. 37. That *ex vi termini*, in the indictment, "s out of the well," it must be considered a water *ex*, out of, or from the well; that is, water severed by the very act of taking; for otherwise it would have been expressed by "water out of the bucket," of Andrew Mab; not out of the well; and so the taking could not be larceny, but trespass: as in the case of a tree that is cut down at one time, and taken away at another; or apples growing on a tree, or shaken down and gathered from the soil; the first being a trespass, the second larceny. *Curia advisare vult.*

The Captain, whispering to lawyer Grab, enquired what difference it made in the punishment, whether it was larceny or trespass? He was answered, that in the one case it was hanging by the common law, and in the other to pay the value of the property. A very material difference indeed, said the Captain, to depend on so nice a distinction.

His allusions to the persecution that the judicial department has in some instances suffered, are frequent, for his recollection was quickened by the rankling sting of personal feeling. On some points in education he has advanced rather singular notions. It is his opinion, at least he gives that side the best of the argument, that the system of early composition is prejudicial to the improvement of the mind. The principle is, that ideas are to be acquired, before they can be communicated. But why is one mode of communication to be discouraged, more than another. Why does not the author adopt and improve upon the five years silence of Pythagoras, and ordain, that no child shall be allowed to speak, till he has something rational to talk about. There are many good and sensible discussions, that we have not room to notice; but, on the whole, as a book of essays, we could recommend this work to the publick, as containing much instruction, conveyed in a style of the utmost plainness and simplicity; many good political observations, that, if digested, "cum grano salis," are far preferable to scandal and noisy abuse.

We will conclude with a few observations on the style; because it is professedly a great point with the author, insomuch, that he holds it forth, as the sole and individual object of his writing, to give the publick a specimen of a perfect English style. Some casual passages render it probable, that what was written, apparently in jest, was, in some measure, true in reality. The qualities of the style, that are commendable, are plainness, perspicuity, and simplicity. His model is probably the manner of Addison; but, upon a pretty careful observation, we cannot discover much of the classick simplicity of that elegant writer. His simplicity seems to be drawn from a long habit and necessity of speaking and composing in the most perspicuous manner; and not the effect of a brilliant fancy, chastened by correct judgment and careful observation of the best models of classick literature, both ancient and modern. Hence he sinks most successfully from the

common plainness of style, into vulgarity, as some of our extracts may shew; and perhaps in this part, is more fortunate than in any other; but when he attempts to elevate his style, in correspondence with some elevation in his topick, we find him seldom so successful. There is scarce a better instance of burlesque in the whole book, than the description of the adventure of the unfortunate lady, "that hanged herself one morning in her garters," which was doubtless intended for a very serious and affecting narrative. [Vid. Vol. p. 137.]

As a specimen, however, of what his powers are capable of producing, we extract the following introduction to a fourth of July Oration; which was read to the Captain by an orator of that day, on an accidental encounter. It is among the few passages, where an attempt is made at elegance, and we think it is here not altogether unsuccessful.

Compatriots! I wish to say those things, that never have been said, and that never will be said again. Because, in this case, there will be the characteristics of novelty and singularity; the two great constituents of pleasure, in all intellectual entertainments. But what can I say new? Has not the whole world resounded with the justness of the cause in which we have been engaged; with the greatness of the attempt to withstand the power of Britain? And have not we ourselves felt, seen, and known the great variety and changes of good or bad fortune? What will it contribute to our immediate enjoyment to go over such scenes, unless the particular achievements of each officer can be enumerated, which decency forbids, and which indeed, cannot be done in the limits of one harangue. Leaving, therefore, ourselves, and these scenes, wholly out of the question, let us speak a little of those whom we left behind. But why need we speak; for all time will speak of them. The bards that shall live, will draw hence their choicest allusions. Consider them, indeed, as more happy than you, because they ascended from among the group of their companions, who were at that time instant witnesses of their achievements. The warriors who fall in battle, are the most glorious subjects of panegyric. Hector and Achilles, form the most splendid part of the song of Homer, and especially, because their bodies were interred in the presence of the two armies. Oh what a noble object! an army mourning a brave officer, and tears drawn even from the foe, struck with the sublime of his personal prowess, and excellent knowledge of the military art. Much unlike, and far above those who languish with sickness on a bed in calm life, where relations standing round wish the departure of the shade, and grasp at the property which he leaves behind. But the fame of a soldier none but himself can enjoy, there can be no heir or devisee of his property. It is his own, and it mounts with him. His blood only remains to bless the earth, from which flowers and roses spring, and clothe the woods and groves with enchantment and delight. For here the song of poesy is awakened, and at morn, and noon, and at still eve, their voices are heard who rehearse where the brave fell, and where they sleep. Sublime spirits! whether you inhabit the Pagan elysium or the Christian heaven, you are happy; and listen to those immortal lyres which are strung to the deeds of heroes.

Several pieces of rhyme are inserted toward the end, but that they cannot be called poetry, the following is sufficient proof.

Come gather away to the new town,
There's nothing but lilting here,
And piping and singing and dancing,
Throughout every day of the year.
No maid that comes here but gets married,
Before she is here half an hour;
The brown, the black, or the hair red,
To live single is not in her power.
Come gather away, &c.
Our governour is a fine fellow,
Chief justice as blind as a bat;
The governour sometimes gets mellow,
And blinks himself like a cat.
No lawyers are here but a couple,

Just enough to keep up the breed,
The word of their mouth is a bubble,
And not worth a copper indeed.
Come gather, &c.

The air of this country is clearer,
The water is clearer by far,
The words of our wooing are dearer,
Such words as a body can spare;
When we smother the maids with our kisses.
And they smother us in their turn;
I swear by St. Patrick that this is
The best country that ever was born.
Come gather, &c.

With this mixed opinion of censure and approbation, we dismiss the volumes of "Modern Chivalry."—We can venture to affirm, that it will never, like its great model, the work of the immortal Cervantes, assume a commanding rank in the literature of the world; still less will it root out the seeds of ambition, of restless, aspiring ambition, from republican bosoms. Neither is it to be wished that it should, for notwithstanding the visionary ideas of its author, the same stroke that levelled the shoot of ambition, would destroy every production of generous sentiment, the springs of enterprise and the charm of life. Notwithstanding this, it may be read without disappointment, and even with much satisfaction, by those, who would beguile a vacant hour with amusement, and he that reflects on the argumentative parts, may draw from them no small improvement. As the work is scarce, our extracts have been copious; if our readers find them amusing, they will not repine that they are abundant.

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ART. 35.

Reports of Cases argued and ruled at Nisi Prius, in the Courts of King's Bench and Common Pleas, from Easter Term, 33 George 3, 1793, to Hilary Term, 39 George 3, 1799. By Isaac 'Espinasse, of Gray's Inn, Esq. Barrister at Law.

Quando artibus unquam honestis
Nullus in urbe locus, nulla emolumenta laborum? *Juv. Sat. 3d.*

A new edition, with Improvements. By Thomas Day, counsellor at law, Vol. 1 and 2, 3 and 4, in 2 vols. Hartford. Printed by Hudson & Goodwin. 1808.

WHATEVER is the comparative value of these Nisi Prius Reports in the Courts of Westminster Hall, they have certainly been very useful in this country, which is proved by the explanations they afford of the practice on innumerable points, which frequently cannot be found in the solemn adjudications of the whole Court. Disputes on practice, and on principles of evidence may be severely contested here, which, having been long settled, are allowed no more to be controverted in Great Britain. If such is the importance of these Reports, their value is doubled by the labours of Mr. Day. In the hurry of jury trials, little opportunity is afforded to the counsellor for research among the authorities; and to the collected wisdom of hundreds of years, as displayed in the annals of the law, or explained by the treatises of grave and learned men, the reporter has less leisure to make references, when the usefulness of his volume depends so much upon its early publication. With all his diligence, Mr. 'Espinasse has not usually referred to more than one book in the course of ten or a dozen pages; but the citations in Mr. Day's edition amount to many thousands, and he has more on a single page in some cases, than are to be found in the whole four volumes

of the English reporter. We shall extract part of Mr. Day's advertisement, to show the publick what were his objects in this work, and we assure them, they are completely attained.

The improvements attempted in this edition, consist of *references*, *notes* and *corrections*. The references are to other reports of the same case; to other cases supporting or oppugning the same point; to analagous cases; and to the opinions of eminent jurists. The notes are abstracts of analagous cases; and observations upon them. The corrections are limited to such errors in the text, as were evidently either clerical or typographical.

The notice taken of *American* cases, the editor trusts, will add something to the value of the work In the states in which they were decided, they will, of course, be regarded as authorities. In the other states, their use to illustrate principles, and to guide in the application of them; to extend the range of juridical inquiry; to concentrate the wisdom of many, sanctioned by the test of experience; to guard against sudden impressions, and local prejudices; and, especially, to lead to a uniformity of decisions in different jurisdictions, which, though separate, are yet so connected, that uniformity is essential to reciprocity and justice, will be perceived, and acknowledged by every liberal lawyer.

Besides the references to English authorities on the same topicks, or to analagous cases, the law books of our side of the water are found in the margin. This will open new sources of information to many of our bar, who, however conversant with the ancient and modern adjudications in England, are not unfrequently so ignorant of the decisions in any other state, than their own, as never to have heard the names of some of the reporters. Mr. Day's American authorities, though perhaps all of them do not deserve that name, are, 1 and 2 Washington's Reports, Addison's do. 1 Hayward's do. Taylor's do. 1, 2 and 3 Cranch's do. Bay's do 1, 2, 3 and 4 Dallas's do. Wallace's do. 1, 2 and 3 Caines's New-York Term Reports, 1 and 2 Johnson's Term Reports, 1 and 2 Caines's Cases. Pennington's Reports. 1 Hening and Munford's do. 1 Peters's Adm. Decisions. Kirby's Reports. 1 and 2 Root's do. 1 Day's Cases. 1 and 2 Massachusetts Term Reports. Caines's Lex. Merc. Am. Chipman. 2 Swift's System.

It is not to be expected, that the case, cited by a lawyer, will always have a favourable influence on the principle, he would support. In a note to Arden vs. Sharpe et alt 2 Esp. 525, Mr Day says, it is not necessary, "that the act" of one, "in order to be binding upon the partnership, should be done with the assent or knowledge of the others: Nor that it should be done on the partnership account. The act of one partner, in the usual course of business, in the name of the partnership, though on his *private account*, will bind the partnership." For this latter point we are referred to Drake & alt. vs Elwyn & alt. 1 Caines 184. But the difficulty in that case was chiefly the proof of partnership. To the point, after that, whether the note, signed by the stile of the firm was given on a partnership transaction, Judge Kent says: "The intendment is, that it was on a partnership account, and that intendment ought to have been repelled by the defendants, if not founded in truth." This appears to us a little at variance with the principle it was cited to establish, which is, however, good law.

Another part of this same note is worth extracting, to show the

strange custom of our sister state of Connecticut.

The principle, which makes the act of one partner, in the course of trade, the act of the partnership, does not apply to *deeds*. One partner cannot bind the partnership by deed, though executed in the partnership name. *Harrison* v. *Jackson, et al* 7 *Term Rep.* 207. *Gerrard* v. *Basse, et al.* 1 *Dal.* 119. And, *a fortiori*, a covenant, or a promissory note, where such notes are specialties,* executed by one partner, in his *individual* name, though on the partnership account, will not be binding on the partnership *Mead* v. *Tomlinson*, 1 *Day's Ca.* 148. *Ripley* v. *Kingsbury*, 1 *Day's Ca.* 150, note (*a.*) Neither can partners compel each other to *appear in suits*, nor *represent each other in courts of law*. *Per* CHASE, *J. Hills, et al.* v. *Ross*, 3 *Dal.* 331.

* *In* Connecticut, *promissory notes are regarded as specialties.*

That Lord KENYON's opinion, in Rex v. Eden, 1 Esp. 98, was erroneous, is fully proved in Mr. Day's notes. The defendant was indicted for perjury, in his testimony on a former trial; and Brett, against whom a verdict was given, in consequence of Eden's testimony, being called as a witness for the prosecution, was objected to, as incompetent, unless he had paid the debt and costs in that action. His Lordship admitted the force of the objection, and rejected the witness, because, "it appeared to him, that, in case the defendant was convicted on this prosecution, that Brett would be relieved in a court of equity against the judgment, the verdict having been obtained on the sole evidence of Eden. That therefore the conviction of Eden, being the means of relieving him from the judgment, was an interest which rendered him incompetent."

Part of another note on this case we extract, as a specimen of the diligence of the American Editor:

The person, in whose name an instrument has been *forged*, has been uniformly held to be an incompetent witness to prove the forgery; and this is considered by Lord Ellenborough, [4 East. 582] as an anomaly in the law of evidence. "Upon what principle," he adds, "the anomalous case was so settled, I cannot pretend to say; but, having been so settled, it may be too much for judges setting upon trials, to break in upon it. The anomaly can only be remedied now, by the legislature." Vide *Watts' case, Hardr.* 331. *S. C.* 3 *Salk.* 172. *Rex* v. *Russell, Leach's Cro. case*, 10. *Robert Rhodes' case, Leach's Cro. case*, 25, 26. *Rex* v. *Taylor, Leach's Cro. case*, 215. *Caffy's case*, 2 *East's P. C.* 995. *Rex* v. *Rhodes*, 2 *Stra.* 728. *Peake's Ev.* 168, 9. In *Connecticut*, this anomaly has been adopted from the English law. *State* v. *Bronson*, 1 *Root.* 307. *State* v. *Blodget*, 1 *Root*, 534. But not in *Pennsylvania*. *Respublica* v. *Keating*, 1 *Dal.* 110. *Pennsylvania* v. *Tarrel*, *Addis.* 246. *Respublica* v. *Ross*, 2 *Dal.* 239; nor in *Massachusetts*. *Commonwealth* v. *Hutchinson*, 1 *Mass.* Term. *Rep.* 7. Mr. *East*, in his *Treatise of the Pleas of the Crown, vol.* II. *p.* 994, attempts to shew, *that the distinction is not an arbitrary one.* His reasons in support of it are certainly plausible. One of them, Mr. *Evans*, in the appendix to his translation of *Pothier*, *p.* 316, says, he has heard assigned by a learned Judge.

The cases, in which the action for money had and received will lie, and where not, are well marshalled by Mr. Day in a note to Marriott v. Hampton. 2. Esp. 548 An important note will be found on Chaters v. Bell & alt. 4 Esp. 49.

The American authorities are usually cited after the English upon the same point; and we wish the editor had uniformly adhered to that rule. The names, that most frequently appear in the notes, are Dallas, Caines, Johnson, Bay, and Cranch. Root's reports are perhaps quoted oftener, than their value will justify Our Massachusetts Reports occur but twice or three times. Mr Day's Reports of Cases in Error, which the character of the editor must

stamp with high value, are referred to with a parent's fondness; but we hope the gentleman will favour the publick with another volume of them and will also continue the publication of these Reports at Nisi Prius on the same principles, which he has followed in the work before us. Such unusual diligence must be successful; and to every American lawyer, desirous of possessing the Reports of Espinasse, we earnestly recommend this edition of Mr. Day.

The mechanical part of the book deserves praise: the paper is better than our American press often employs; the proof sheets have been revised with considerable care, so that the book is decently correct, more so than the London copy, which is certainly not to be said of one book in three from our printers; the binding is the best we have seen. The price, though the work is one of the few American editions worth much more than the English, is three dollars less than the copies imported. This may appear a proper place for censure on some of our Philadelphia and New York publishers, who charge enormous prices on their editions of English books. We may specify Bosanquet and Puller's Reports, as uncommonly dear, and of very villanous execution.

ART. 36.

Marmion, a Tale of Flodden Field. By Walter Scott, Esq. Boston. Farrand, Mallory & Co. 2 vols. 12mo. 1808.

THIS poem is, in many respects, superiour to the Lay of the Last Minstrel, yet it may safely be asserted, that no one has read it with the same pleasure. The descriptions in it are clearly more elaborate; the plot is more studied, and, in fact, much better, though by no means in itself free from exception: but it wants the air of originality, belonging to the first production; partly because it is posterior, and partly, perhaps, for the reason given by Dr. Johnson for the general superiority of the first poets: "the first writers took possession of the most striking objects for description, and left nothing to those, that followed them, but transcriptions of the same events, and new combinations of the same images."

Among those parts that have disappointed the admirers of Scott, who open these volumes with enthusiastick curiosity, the most apparent are the introductory epistles at the beginning of each Canto. The short parenthetical notices of the Minstrel at the beginning and conclusion of the Cantos in the Lay, were universally admired. This Mr. Scott was no doubt apprised of, as he appears by the preface to this poem to be very ready in apprehending the civil things that have been said of him by the publick, and to be perfectly convinced of their justness. Reasoning with great arithmetical exactness, he concludes, that, if one page of introduction gave pleasure, two pages would delight, four would ravish, and that by a dozen, his readers must be "lapt in Elysium." By an equally plausible process, though not extending so far above Number One, he concluded, that, if an ancient minstrel, the last surviving brother of the bards of old, in the sadness of decrepitude and age, could touch the feelings by alluding to his desolation, and his lost child, what could be more natural than that a modern minstrel, piping on a winter's evening before a cheerful wood fire from Ettricke forest, in his own parlour, could interest the publick

mind, by talking about his boyish tricks and whippings, or describing the wholesome puddings, and good blind man's buff of Christmas Eve. Far be it from us, like our old Puritanick ancestors, to

"Quarrel with minced pies or disparage
"Our best and dearest friend plum porridge."

on the contrary, should our Governour favour us with a proclamation for Thanksgiving, we hope to show ourselves, even before Christmas Eve, their zealous admirers; but that which is good in a patty pan, may be very bad in a poem, and Mr. Scott should remember, that a man may be pious overmuch. More especially is this true, when these, or similar important subjects are discussed, in such lines as these:

For omens we in Livy cross
At every turn "locutus Bos."
As grave and truly speaks that ox,
As if he told the price of stocks,
Or held in Rome republican
The place of common councilman.

Gentle Reader, is this Hudibras that speaks, or is it Walter Scott?

The character of the hero may be objected to this poem. This same Marmion is a bad man, a very bad man: he makes nothing of stealing a nun from her convent, and afterwards leaving her to be taken, and starved to death in a dark cold, stone cellar. Another of his ways and means is forging letters, with a view to lead away silly women. To be sure he is a very brave man, and withal considerably generous; insomuch as he is allowed to have thrown a handful of silver among the heralds, when he went through the gate of Norham castle. But in England, whatever it may be here, forgery is ranked among those crimes considered infamous, and, of course, inconsistent with the character of a hero. A man may kill half a dozen in fair battle, without much imputation on his moral character; there are even some examples amongst the Theseuses and Æneases of a man's ruining a woman and leaving her, without being thought a worse hero; but to forge a letter is generally considered a great meanness. Mr Scott was aware that it would be very injudicious to make his hero a faultless monster; but he ought to have left something pleasing in him besides his "falcon bright" and his brawny bravery. The other principal hero, de Wilton, who is probably meant to relieve the bad impression of Marmion's character, is but a milk and water composition, when he appears in propria persona, and when he is disguised under the Palmer's dress, he appears so differently, that we can scarcely believe it the same man. Bad man as Marmion was, however, he held it out to the last, like a brave fellow, without any flinching or twitching of conscience.

With dying hand above his head,
He shook the fragment of his blade,
And shouted "victory."

which, with the rest of his last words, though we must allow it to be excellent poetry, contains but an indifferent moral.

We have said that the descriptions in this poem are elaborate, and we add, that many of them are extremely beautiful. The descriptions of dresses are, after all, too frequent: for the mere curiosity of it, and to see how neatly an author can dress up a trifling subject handsomely, we are pleased to have a few of them. That of King James, in the fifth canto, is the best of this kind, though we think it inferiour to a very simi-

lar one of Lord Howard in the Lay. But every reader is surprised, at least, when he finds the poet relating, at every turn, the cloth his hero is dressed in, its texture and quality, and the place whence it was brought, and not even letting it slip his notice, if a lady puts off her veil to cool herself. This is another caricature of a very necessary principle viz. that description should not be vague and general; but there is as much danger to be apprehended of exceeding, as of falling short in the application of general principles. It is the overdone as well as the come tardy off, that while it pleases the unwary, makes the judicious grieve. We will now mention one or two of the best passages. The interview of Constance with her judges, in the second canto, and particularly her speech on that occasion, are in the highest style of poetry. When she stands before those marble hearted ecclesiasticks, a condemned criminal, the despair that petrifies her soul imparts a deadly chill to the reader; his heart throbs with horror at the impressive prophetick imprecations of the dying maiden; and when she descends into the dark vault, when the priests withdraw, and the cold rock closes around her, so fine is the description, that the soul sinks into itself in a kindred despair. The battle, which occupies part of the sixth canto is, for picturesque effect, fully equal to any thing of the kind in the compass of poetry. We take a station with the squires on an adjoining hill, when the freshening Western blast has brushed away the smoke, the battle is displayed before us, a picture and not a description. We see, as if present, every circumstance; the line where the contending armies meet; the banners of different warriours waving in the air; the rush of onset; and the faintness of the vanquished: at once, all is confusion, and all distinctness.

In observing on the plan of this poem, some have affected to fear, lest a spirit of imitation might inunda te the world with metrical romances, and have advised Mr. Scott, as he values his own fame, and the peace of the Commonwealth, to employ his talents about something else. Yet it seems rather tyrannical, when a man has discovered a new field in the region of poetry, where he is gathering many fruits and flowers, for another to say to him, for God's sake, my good sir, come out, and do not think of touching any thing more, for if you do, a crowd of fools will follow and collect nothing but weeds. Men do not now need to be told, that it is bad reasoning to argue from the abuse of any thing against its merits. Private events are equally fitted for poetical purposes, since they are equally calculated to excite interest as the great revolutions, that form the basis of epick narrations; and he that proscribes invention, in order to avoid the curse of servile imitators, scarce reflects on the consequences of his principle.

Upon the whole, if we should conclude, as we began, by alluding to the Lay of the Last Minstrel, we should say, that the author had lavished on that his most favourite and poetical images and characters, and that for interest, no character in Marmion will parallel the vagrant Minstrel. Reading them, as we read all poems after the first perusal, for the beauty of particular passages, they stand with few exceptions on exactly the same footing. If we assimilate them to natural objects, the Lay is fresh and sparkling like the opening rose-bud, with wet the dew of morning; the Marmion is the same

rose at once unfolded and desiccated by the noon-day sun.

ART. 37.

An Oration delivered before the Medical Society of South Carolina, at their anniversary meeting, Dec. 24, 1807, and published at their request. By Joseph Johnson, M. D. President of the Medical Society of South Carolina. Charleston, printed by Marchant, Willington & Co. pp. 24. 8vo. 1808.

THIS oration, which might with more propriety receive the appellation of a diary, is a concise account of meteorological variations, and of the nature and effects of the diseases at Charleston, during the year 1807. As a record of the physical changes in the atmosphere, and of the extensive range of certain diseases, which appear intimately connected with these peculiar states of the weather, it is interesting both to the physician and the naturalist. The remembrance of this year will not readily be obliterated in a city, in which one tenth of its inhabitants were swept away by the destructive force of disease. The nature of the local situation of Charleston, and the long continuance of the heat of its climate, have usually rendered it in the summer and autumnal months almost invariably fatal to constitutions, which have not been accustomed to its effects from infancy. The last year was marked by the peculiar virulence of its diseases. They were not only more widely extended, but also more fatal than had been observed for many preceeding years. It was ushered in by such unusual variations of temperature, that were they to be considered as the result of the operation of an uniform cause, would doubtless render its climate in the vernal months, neither more comfortable, nor less injurious to the existence of the valetudinarian and the convalescent, than the blasts of the eastern states fresh from the ice-bound shores of Newfoundland.

In March, according to the thermometrical observations of Dr. Johnson, the temperature of the air in one instance, sunk 32° in seventeen hours, in another was augmented 27° in thirty one hours, and in the course of the month of February, fluctuated between 24° and 69° of Fahrenheit. The quantity of rain which fell during this period, was proportional to the variations of the weather; in February it amounted to 7. 3. inches, and in March to 6. 6. inches.

The spring having been so backward, the accession of summer was as rapid in proportion, and the eleventh of June was one of the hottest days, to which our climate is subjected; the thermometer standing at 92°, in a very cool situation, and at 94°, generally, through the city. The average heat of July, was 86°. The *endemial causus* commenced about the eighteenth of August, which was aggravated by the extremely hot weather from the first to the fifth of September, when the thermometer, at noon, in the coolest situation, raised from 90° to 92°½. September was, from sickness and death, the blackest month ever recorded in Charleston, there having been 328 interments, of which 114 were from *endemial causus*; and at least one fourth of the inhabitants were affected with the influenza about the last of the month.

By "endemial causus" we presume is here meant the disease, to which strangers resident in that city are peculiarly exposed, while the inhabitants, or natives, whose constitutions are assimilated to the climate, enjoy a degree of comparative security; hence it has been popularly denominated the "Stranger's Fever." After reading the above

statement, we cannot avoid the remark, that there appears to exist an intimate connexion between the heat and *dryness* of season and the energy and extension of disease. In Boston it has often been the subject of observation, that the dryest are generally the most unhealthy seasons: the eloquent pen of Dr. Rush has recorded the same fact in his history of the bilious remitting fever of Philadelphia, and its truth would appear confirmed by the later observations of Dr. Johnson. "From the twenty sixth of July to the eighteenth of August," says he, "there had been but one shower; and none from the second of October to the fifth of November. All the ponds and many of the wells and springs were dry. The atmosphere was hazy and thick, as if filled with a subtle dust, and the sun, as if deprived of his rays, appeared of a fiery redness." For the space of three months and ten days, there fell but one inch and four tenths of rain.

It appears from the "Oration" of Dr. Johnson, that the influenza, which became so general in the Eastern states, in the latter part of summer and the commencement of autumn extended to South Carolina, and was experienced in its greatest severity about the middle of October. Its effects in that part of the union were severe, and the mortality, particularly in the interiour of the state, was far beyond what usually results from this comparatively mild disease. The dysentary was also more acute than usual.

The oration is closed with two valuable obituary tables, one of which is reported by the City Marshall, and the other from Dr. Johnson's Dispensary and private practice. The year 1807 terminated the existence of 2203 persons, of whom 1611 were Blacks. There were 328 interments in the month of September. The number of Africans imported into that city amounted to 15676 and 1112 of these were sacrificed to the "Endemial causus" and other diseases of the country. "The proportion of deaths among them has greatly increased; at first a twenty ninth part of the number imported died; but now a fourteenth of the whole. A great proportion of deaths from tetanus and worms occurs in the summer months; convulsions, pulmonick affections, apoplexy, and sore throats are much more fatal in the first part of the year. The proportion of deaths among children is distressing, one fifth and, in some years, one fourth of all that are born, die under five years of age; among these however, the number of deaths is one seventh less in proportion than in New York. Of the deaths under the head of consumption the number amounts to an average of rather less than one sixth; of these it is fair to remark, that many cases are brought to us from the Northern states, on account of the mildness of our climate in the winter season. In New York from one fourth to one third of all that die, perish by this complaint."

Among the deaths in the year 1806, we noticed one marked against the Cow-Pock.

CATALOGUE

OF NEW PUBLICATIONS IN THE UNITED STATES,

FOR OCTOBER, 1808.

Sunt bona, sunt quædam mediocria, sunt mala plura.——MART.

NEW WORKS.

The History of Don Francisco de Miranda's attempt to effect a revolution in South America, in a series of Letters. By a gentleman who was an officer under that general, to his friend in the United States. To which are annexed, sketches of the life of Miranda, and geographical notices of Caraccas. Boston Oliver & Munroe. 12mo. pp. 300.

An Enquiry into the chymical character and properties of that species of Coal, lately discovered at Rhode Island: together with observations on the useful application of it to the arts and manufactures of the eastern States. Boston. Printed by Snelling and Simons. Devonshire Street. 12mo. pp. 21.

An address to the citizens of Massachusetts, on the causes and remedy of our National Distresses. By a Fellow Sufferer. Boston, printed at the Repertory-Office. pp. 13.

A new literary paper has been issued by Messrs. Oliver & Munroe, of this town, entitled the "Boston Mirror." The establishments of "The Emerald," and "The Times" are united in this publication, price 3 do'ls. per ann.

The constitution and associate statutes of the Theological Seminary in Andover; with sketches of its rise and progress. Published by order of the trustees. Boston. Published by Farrand, Mallory, and Co. Belcher and Armstrong, printers. 8vo.

A Sermon preached at the opening of the Theological Institution in Andover: and at the ordination of Rev. Eliphalet Pearson, LL. D. Sept. 28, 1808. By Rev. Timothy Dwight, D. D. president of Yale college. Boston. Printed by Belcher and Armstrong 8vo. pp. 56.

Three Dissertations on Boylston Prize Questions for the years 1806 and 1807. By George Cheyne Shattuck, M. D.—Being the Dissertations to which the Boylston Prize Medals were adjudged. To which is prefixed, the Publick Account of their Adjudications. Published by Farrand, Mallory & Co. and Hastings, Etheridge & Bliss, Boston; by Hopkins & Bayard, New-York; and Hopkins & Earle, Philadelphia. Belcher & Armstrong, Printers. 8vo. pp. 196.

NEW EDITIONS.

The Middlesex Collection of Church Musick; or, Ancient Psalmody revived. Containing a variety of plain psalm tunes, the most suitable to be used in divine service; to which is annexed, a number of other pieces of a more delicate and artificial construction, proper to be performed by a choir of good Musicians occasionally, in Schools and Publick Religious Assemblies. Second edition, revised, corrected, and enlarged. Boston, printed and sold by Manning & Loring, No. 2, Cornhill.

Begone Dull Care; or, How will it end? a comedy, in five acts; as performed at the Theatre-Royal, Covent-Garden. By Frederick Reynolds. Boston, published by E. Larkin, No. 47, Cornhill. Greenough & Stebbins, printers.

The Ancient History of the Egyptians, Carthagenians, Assyrians, Babylonians, Medes and Persians, Macedonians and Grecians. By Mr. Rollin, late principal of the University of Paris, professor of eloquence in the royal college, and member of the royal academy of inscriptions and belles lettres. Translated from the French; in eight volumes. Vol. V. The twelfth edition, illustrated with maps. Boston, published and sold by Hastings, Etheridge and Bliss.

The sixth and last volume of the Fam-

ily Expositor; of, a paraphrase and version of the New Testament; with critical notes, and practical improvement of each section, in six volumes. Containing the epistle of Paul the apostle to the Hebrews, James, I. Peter, II. Peter, I John, II. John, III. John, Jude, Revelations. By P. Doddridge, D. D. To which is prefixed, a life of the author, by Andrew Kippis, D. D. F. R. S. and S. A. From the eighth London edition. 8vo. pp. 621. S. Etheridge, printer, Charlestown.

WORKS ANNOUNCED.

Doctor Ramsay, (the celebrated Historian) has issued Proposals for publishing a History of South-Carolina, from its first settlement in 1670, to 1808. The work will be put to press in November next.

Wm. Hilliard, of Cambridge, (Mass.) has issued proposals for publishing by Subscription, An American Biographical and Historical Dictionary, containing an account of the Lives, Characters, and Writings of the most ancient persons in North America, from the first discovery of the country to the present time, and a Summary of the History of the several Colonies, and of the United States. The work to be printed in one vol. 8vo. containing 500 pages. Price to Subscribers, two dollars and fifty cents.

George W. Woodman, of New-Bedford, proposes publishing that valuable and scarce book, entitled, "Thoughts on Religion, and other Important Subjects; newly translated from the French of Blaise Pascal. To which are added, memoirs of his life and writings. To be comprised in one vol. 8vo. of about 400 pages, on a fine wove paper, and delivered to subscribers at two dollars.

Hopkins and Earle, Philadelphia, and Farrand, Mallory, and Co. Boston, have issued proposals for publishing a system of exchange operations between the principal places of Europe Containing the names and divisions of the different monies; the usances of Bills; the times of grace, payment, protest, and the course of exchange between relative places in Europe, as respectively established; the manner in which their respective accounts are kept, and the manner of reducing bank to current money; with a reciprocal deduction of the different monies calculated upon the order of exchange, &c. In the manner of the French system of Joseph Rene Ruelle, by Peter Kuhn, jun. Esq. late consul of the United States of America, near the republick of Liguria. To which will be added, the weights, qualities, and names of all current coins, foreign and ancient, &c. &c. It will appear on a fine wove paper, in an 8vo. size of between 3 and 400 pages, and delivered to subscribers, in boards at 4 dollars.

Proposals are issued by E. Bronson and others, Baltimore, for publishing a new periodical work, to be entitled, Select Reviews, and the Spirit of the Foreign Magazines.

Manning & Loring intend publishing, by Subscription, a new and improved edition of Psalm and Hymn Tunes, sung at the Chapel of Lock Hospital. This work, (compiled by the celebrated MADAN,) comprised in about 200 royal quarto pages, printed on a fine and thick paper, and on a page of the size of the last London edition; and no alteration of any kind in the Musick shall be permitted. The price to subscribers, stitched in a printed paper covering, will be two dollars fifty cents.

NOTE.

[*** *We regret that our readers are deprived of the Retrospective Review for this number, by the accidental loss of the manuscript; and hope that the following abstract will not be without interest.*

FOREIGN LITERARY INTELLIGENCE.

Abridgement of the Trial, in an action, in which Sir John Carr, Knt. was Plaintiff, and Messrs. Hood and Sharpe, Defendants: damages laid at £2000. The trial took place in Guildhall, on the 25th of July, 1808, before Lord Ellenborough and a special Jury: taken down in short hand, by Thomas Jenkins.

THIS abridgement shall contain all that is material. The reader will find in it every principal point touched upon by Mr. Garrow, the leading counsel for the plaintiff; the whole of what was said by the Judge, and by the Attorney General, who was the leading counsel for the defendants, with the sole exception of what the latter said by way of return for the trade-like compliments paid him by Mr. Garrow, and which interchange of compliments I omit for the sake of decency.

The case, as stated by Mr. Garrow, was this. That Sir John Carr (whom hereafter I shall call *Carr*, not perceiving that he has any right to claim the cramming up of my pages with his lengthened name) was the author of several works which he had sold for considerable sums of money; that he was about to publish a new work of the nature of his former works, which had hitherto been well received by the publick; that, at this juncture the defendants published the libel in question, called, "*My Pocket Book;*" that the evident object of this work was utterly to destroy Carr as an author, in which object it must succeed, unless censured by the verdict of the jury; that the "Pocket Book," besides ridicule in words, contained several caricatures, exhibiting Carr in the most ludicrous light; that he was there represented as a stupid writer, a gleaner of insipid stuff, a fool, a lunatick, and as so nearly like a mere vagabond, as to carry about his wardrobe in a pocket handkerchief; that the defendants had said, that they had a rod in pickle for Carr, and that they would do for him; that the effect of all this had been a clearly proved damage to Carr; that Sir Richard Phillips had, merely from the effect of this attack, been deterred from purchasing the intended new work, for which, otherwise, he would have given £700; and that there must necessarily have arisen to the plaintiff other damages, of which it would be impossible to estimate the amount. The evidence first given, was to prove the publication of the "Pocket Book," and then evidence was produced of a *continuation* of the publication after notice of action, which evidence in aggravation having been objected to by the Attorney General, the following conversation took place between the Judge and Mr. Garrow.

Mr. Garrow.—The ground on which I offer it, is this: I say, that these defendants meant to publish to the world, a work, the object of

which is, to render Sir John Carr ridiculous. I say, this publication of these defendants, is false and scandalous. Can it be doubted that I may prove, that the defendants have continued that publication, to shew the extent of the injury, and the spirit of the offending party ?

Lord Ellenborough.—But we must allow a latitude to the free discussion of the merits and demerits of authors and their works ; otherwise we may *talk* indeed of the liberty of the press, but there will be in reality an *end* of it.

Mr. Garrow.—Suppose I had a wen on my neck, or had any other deformity. Am I to be held up to ridicule, to gratify the malice of an individual, who chooses to be my enemy, and is that individual to continue to expose me, after notice given to him of his misconduct ? That notice is given to him by the service of a process, which is the commencement of the action.

Mr. Attorney General.—The answer to all this, is, that you can bring another action, if you are damnified by any subsequent publication.

Lord Ellenborough.—We must really not cramp observations upon authors and their works. They should be liable to exposure ; to criticism, and even to ridicule, if their works be ridiculous ; otherwise, the first who writes a book upon a subject will maintain a monopoly of sentiment and opinion upon it. You must never shew the absurdity of it, although it be absurd, that is, you can never do it with effect. This would tend to the perpetuity of errour. A bad book might appear, it would propagate errour, and so we should go on to the end of time. How any body could conceive that an action is maintainable, for publishing a work, exposing another work to ridicule, is to me surprising. Reflection upon personal character is another thing.

Mr. Garrow.—I am not contending that the defendants may not endeavour to shew, that the plaintiff's book is a ridiculous one ; but, they must not endeavour to destroy the plaintiff altogether, as an author.

Lord Ellenborough.—I do not know that. Suppose a person publishes a book containing sentiments that are injurious to publick morals ; of infinite mischief to the publick taste : *or bad maxims of government ;* or any thing else that *ought to be decried ;* are we not to be at liberty to expose that work ; aye, and expose the *author of it too*, as far as he is *connected with that work*, and that, in the most pointed language of wit, humour, or ridicule ; the more pointed and forcible, the better ? He who does so, if the work be ridiculous, or a bad one, confers a favour on, by producing a benefit to, the publick. That it destroys the reputation of an author, and puts an end to the circulation of his works, is nothing, if his works be worthless. Mr. Locke published an answer to sir Robert Filmer ; would any body give twopence, after that, for the works of sir Robert Filmer ? What then ? was Mr. Locke to be made the subject of an action, for destroying the reputation of sir Robert Filmer ? Not at all. *It was a reputation that ought to have been destroyed*, and was destroyed ; for which the world has been greatly indebted to Mr. Locke. I really do not know where we are going to. To talk of the liberty of the press, if one man may not write freely, on *the work of another*, lest he should destroy the reputation of that other, would be idle. Shew me an attack on the *moral* character of this plaintiff, or *any attack on his character unconnected with his books*, and I shall

be as ready as any man, who ever sat here, to protect him in that character ; but I cannot hear of malice, on account of turning his works into ridicule.

Mr Garrow.—They prevent the sale of all the plaintiff's works, by this immoderate ridicule of him, by wholesale, as an author.

Lord Ellenborough —They do so. They depreciate his character as an author, conceiving they have a right to do so.

Mr. Garrow. Then let them shew that they have done it *fairly.*

Lord Ellenborough. No, *they need not.* YOU must show that they have done it unfairly.

Mr. Garrow So I do, my Lord, by the exhibition of this frontispiece ; which shews, that this book is *not a fair criticism*, but a malignant slander.

Lord Ellenborough. Go on with your case.

Evidence was then given to prove that Carr was the author of other works. Lord Valentia was called to prove, that the " Pocket Book," was intended, in his opinion, to expose Carr's Irish Tour to ridicule. *Lord Mountnorris*, under whose name a letter has been published, stating that he " attended *solely* and conscientiously on *behalf* of sir John Carr," said, upon his oath, that "he had read the *Pocket Book*, and also the *Stranger in Ireland ;* that he had compared them both, chapter and chapter ; that he considered the former as intended to ridicule the latter ; that the caricatures are so strongly drawn, that it was impossible to mistake their application to sir John Carr ; and, finally, that he should have bought the Stranger in Ireland, but would not after reading the Pocket Book. the latter having depreciated the former so much in his opinion." In a cross-examination, which appears to have been gone into by the Attorney General, for the purpose of obtaining a repetition of this evidence so complimentary as well as useful to his clients, Lord Mountnorris said. in terms, if possible, still more explicit, that after a most attentive perusal of both the work and the criticism, he was induced, by the impression produced on his mind by the latter, not to purchase the former, though he was before disposed to make that purchase.

Sir Richard Phillips's Examination might have been very short ; but owing to his own indiscretion, it was rendered very long ; and as he appears to have been considered as the *real cause* of the action against Messrs. Hood and Sharpe, the whole of this Examination shall be given. He was examined by Mr. Dampier, and cross-examined by the Attorney General.

Q Did you, sir Richard Phillips, purchase of sir John Carr, a book, called, " The Northern Summer ; or, a Tour round the Baltic?"

A. I did.

Q. And also a " Tour through Ireland ; and another along the Rhine ?" A. I did.

Q. They are all in quarto, I believe ? A. They are.

Q. What was the purchase money for each ? A. The price of the first was fixed by Mr. Hayley, who introduced sir John Carr to me.

Q. Will you state the sums which you paid for these books ? A. Four hundred pounds for " The Northern Summer ; or, Tour round the Baltic," and in consequence of a small increase in the quantity, I added another 100l. of my own accord.

Q. So that he had 500l. for his book ? A Yes, he had. Mr. Hayley, of whom I have a high opinion, settled the price of that book.

Q. Then as to "The Tour through Ireland," what did you pay for that? I gave sir John Carr, 600l. for that, and a conditional 100l. more I think, on the second edition; or, on the sale of a certain number; but previous to the whole of that number being sold, (considering that it would be sold,) I gave sir John Carr 100l. more. So that he had 700l. for the "Tour through Ireland"

Q. What did you give him for the other book, which you purchased of him, "The Tour through Holland?" *A* The same price. It is a sort of rule with booksellers, (at least it is so with me)—that when we are satisfied with the work of an author, we give him, for similar works, the same as we did before, without any treaty.

Q. So that you gave sir John Carr 600l. for "The Stranger in Ireland, and, if it went through a second edition, you were to give him 100l. more; which you did?" A. Yes.

Q. Now, sir, have you seen a work of his called, "A Tour in Scotland?" A. I have seen it in a manuscript; sir John Carr has put it into my hands.

Q. It is a work prepared now for publication? A. It is.

Q. Now sir, when you saw that, had you seen the present book, called "My Pocket Book?" A. Yes, I had.

Q. Did you at any time, see one of these defendants, Mr. Hood? A. I frequently saw him.

Q. So as to have a conversation with him concerning this work; I mean the book, called "My Pocket Book?" A. I have met Mr. Hood, and he has spoken to me particularly on the subject of the book called, "My Pocket Book."

Q. Will you state to us, what he said to you, on that subject? A. He began by asking me "how sir John Carr did?" I said he was very well. He went on to ask me, have you seen or read, "My Pocket Book?" I answered him by saying, "I never read any *scurrility* of that kind."

Q. Did he make any answer to that? A. He did. He said, "the Lord have mercy upon sir John Carr: we have a rod in pickle for him: we will do for him:' or, "we will do his business;" or words to that effect. I believe the words were, "the Lord have mercy upon him, poor sir John," or some phrase of that sort, was thrown in; "we will do his business," or, "will do for him."

Q. Do you know whether this book, called "My Pocket Book," has been extensively circulated? A. I have reason to believe it has been very actively and industriously circulated. I have seen it in the windows of booksellers, attracting some attention, in consequence of a ridiculous frontispiece; and booksellers are some of them apt to expose works of this nature, on account of the oddity of appearance in them.

Q Has it been circulated, in what they call "the trade circulation, and sale?"—*A.* I do not attend trade sales myself, and I cannot speak to that, but I can speak to this—that the whole edition was offered to the trade, at the trade price, and, that a thousand copies were so to be disposed of; as appears by this catalogue.

Attorney General.—You must say nothing to us about that catalogue, for it is not evidence.

Ld Ellenborough.—Certainly not; you must prove that publication, as well as every other publication by the actual sale. The catalogue is nothing.

Mr. Dampier —Q. Was this work called the "Tour through Scotland," or whatever other title it might have, offered to you for sale? A. Yes it was.

Q. Did you buy it, or did you decline it?—A. The impression which was made on my mind, in consequence of the publication of the book, called "My Pocket Book;" and the activity with which it was circulated, (as I perceived from the manner in which it was advertised) together with the conversation I had with Mr. Hood, was such, that I certainly declined to buy it.

Q. What was the reason of your declining to buy it? A. I certainly declined to buy it, in consequence of the publication of this book, called, "My Pocket Book."

Q. Had you, before you were aware of this publication, made any offer of any sum of money, for that work of sir John Carr's which you saw in manuscript? A. Not at that time.

Q. Did you at any time? *A.* Sir John Carr, subseqnent to this, proposed and offered it to me, for 400l. together with the contingent advantage as before, but I declined it. If this libel had not been published, I should have given sir John Carr the same as he had for the former works; for it is a custom of our trade, unless something happens to make us dissatisfied with the author's work, to give him the same sum for every similar work, as he had for the preceding one—and had I purchased this work now in manuscript, of sir John Carr, I should certainly have given him 600l. for it.

Cross examined.—Q. You state yourself not to be a reader of *scurrility*?—*A.* I certainly do; I wish to read nothing of that kind.

Q. As you state yourself not to be a reader of any thing of that kind, I take it for granted, you never publish any thing of that sort? A. I mean, that I never read *anonymous scurrility*. If I see the name of a respectable author on a title page, it becomes another thing.

Attorney General. Do not overpower me, sir Richard Phillips, by a multitude of words, or by answering my questions before I put them to you; especially by references to anonymous writings.

Q. I take it for granted you never read the Edinburgh Review?—*A.* I have seen the Edinburgh Review—but I pay no respect whatever to that, or to any other work of *anonymous* criticism.

Q. I take it for granted, then, sir Richard, that criticism owes its effect to the circumstance of a knowledge of who the author is?—*A.* It certainly ought to do so; to my mind criticisms should always bear the names of the authors. I do not generally consider that *fair* criticism which is *anonymous*.

Q. When did you publish these works of sir John Carr?—A. I published the first work, "The Northern Summer," I suppose in 1803 or 4; "The Stranger in Ireland," in 1806; and the "Tour in Ireland," in 1807; "The Tour in Scotland," I saw in 1808—the present year.

Q. As you do not read criticism, except you know who the critick, or the author is, I take it for granted, you do not attend to the Edinburgh Review. If sir John Carr has been praised, or censured in the Edinburgh Review, I take it for granted you do not know it?—A. I never saw it.

Mr. Garrow.—I object to the introduction of the Edinburgh Review. It is no evidence.

Lord Ellenborough.—I understand

the Attorney-General's question to be to this effect to take the Edinburgh Review as a mere illustration of the present subject.

Mr. Garrow. If it be either directly complimentary to, or directly detracting from, the merit of sir John Carr as an author, the Edinburgh Review may be referred to, as an evidence of the opinion of literary persons, as to the merit of sir John Carr, as an author; but, I submit to your Lordship, that otherwise, it is not evidence in this cause.

Lord Ellenborough. They are not taking any thing out of the Edinburgh Review, but the Attorney-General is cross-examining the witness, as to his acquaintance with that publication. I see nothing in the course of this examination, which calls upon me to stop it.

Attorney General. I ask sir Richard Phillips, whether he knows that this book had been reviewed by the Edinburgh Reviewers? A. I do not know it; I do not read the Edinburgh Review.

Q. You do not know there is such a publication, perhaps, as the Edinburgh Review? A. There is such a publication, certainly, but I do not recollect that I have read the Edinburgh Review at all, except some parts of the first volume. I thought some of it scurrilous, and I abhor scurrility.

Q Now, as you think this publication, which is complained of, is scurrilous; as you abhor scurrility; and, as you know it to be anonymous; you do not soil your pure mind with the perusal of it; are there any reviews published by any persons which are not anonymous? A. None that I recollect, at this moment; there was one sometime ago by Dr. Maty.

Q. But you do know there is such a publication as the Edinburgh Review? A. I do.

Q. Do you know whether there is such a publication as the Annual Review? A. I know there is such a publication.

Q. Is that anonymous? A. That has a name.

Q. Now, as you do not read scurrilous anonymous writings, and as that is not anonymous, since it has a name, perhaps you do read the Annual Review? A. Never, now; I have looked into former volumes of it, but I never read it now; it is a very ponderous publication, which I do not read, because I have not leisure.

Q. Have you had a large sale of sir John Carr's works? A. A very respectable sale; a very considerable sale, of the first work. Of "the Tour in Ireland," and of "the Tour round the Baltic," I have sold, I think, very nearly 1500 copies.

Attorney-General. I think, sir Richard, that your reprobation of anonymous criticism, cannot be too much commended; certainly, nothing should be published without a name; it is proper we should always know who to resort to, in case any thing be published which is not proper.

Q. Pray, sir Richard, was there not a review called "The Oxford Review?" A. Yes.

Q. Who published it? A. It was printed by a person at Oxford.

Q Very likely: but who published it in London? A. I was the publisher in London.

Lord Ellenborough. Here, I think I should caution you, sir Richard Phillips, for although I do not know what the publication contained, it may contain something for which you may be responsible, and which may lead you into diffi-

culty; we are here treading upon tender ground; you are not bound to answer any thing which may tend to involve yourself in difficulty.

Sir Richard Phillips. I thank your Lordship, but I shall certainly answer any questions which the Attorney General chooses to ask me; I never printed a line, to my knowledge, which was calculated to hurt the feelings of any person living.

Lord Ellenborough. It is my duty to caution you, sir Richard, and to tell you, that you are not bound to avow that you are the publisher of any work, which may contain any objectionable matter. You are entitled to a protection as a witness. You have laid yourself open already to many questions, which could not have been regularly asked of you, had you not chosen to avow yourself publisher of the work just alluded to.

Attorney General. There was a work intitled "Publick Characters," I believe? A. There was.

Q. And you published it, I believe? A. I did.

Lord Ellenborough. By the name of it, that is a work very likely to be extremely delicate; I caution you once more, how you admit yourself to be the publisher of such works; you are not bound to admit any such matter. You appear to me to be admitting too much: I now give you notice, that I shall not caution you again. You have just admitted yourself to be the publisher of a book called "Publick Characters," that, from the title of it, is likely to contain a great deal of very delicate matter.

Sir Richard Phillips. I repeat again, my lord, that I have no disinclination to avow every thing that I ever published. I never published any work which I should be ashamed to avow in this place.

Attorney General. On that ground, sir Richard, you will tell me, whether you published a book called "Publick Characters of the French Revolution?" A. I do not know of any book under that title. There was a book published in 1796, by myself, giving an account of the Founders of the French Republick; but it was a plain narrative of facts. It was a chronological account of publick men, who had figured away in France, in the course of the revolution. It was published with a view of giving an account of such persons, there was no scurrility in it, certainly.

Attorney General. No scurrility? A. Certainly none, that I am aware of.

Mr. Garrow. My lord, I rather think I ought to object to this, as an entirely wrong course of proceeding. One would think, from the course which my friend, the Attorney General, is now taking, that sir Richard Phillips was the plaintiff, instead of sir John Carr, for my learned friend seems, now, to be going into the publick life and character of sir Richard Phillips. Sir John Carr, the plaintiff upon this record, has nothing in common, nothing to do with sir Richard Phillips. They have no connexion with each other, except that the one of them is the author, and the other the publisher, of a certain work, and then, my lord, how can any part of the life of sir Richard Phillips be evidence upon this issue between sir John Carr and these defendants?

Lord Ellenborough.—I do not know any thing of what is common or what is not common, between this plaintiff and this witness; but, you see here, that sir Richard Phillips

is the purchaser of this work ; which is reviewed, or, if you please, censured, by the publication of the defendants. On the credit of the author of this work, of which sir Richard Phillips is the purchaser, depends the sale of the unsold part of that work, that is, of the edition now on hand ; and this evidence, which he is now giving that he is the proprietor, and consequently interested in the sale of this book, does not indeed go to his competency, but has a strong bearing on his credit, as a witness ; and therefore the Attorney General should, I think, be allowed a larger scope than he should otherwise have, in his cross examination. He has put to sir Richard Phillips many questions, to which sir Richard does not choose to demur, but to which he is certainly entitled to demur, he chooses to say that he is the publisher of many of these works, after the caution which he received from me. I wish he would be guided by other discretion than his own.

Mr. Garrow.—All this, my lord, is very well, as between the Attorney General and sir Richard Phillips ; but, I submit, has nothing to do with the interest of my client.

Lord Ellenborough.—More or less, I think it has—it has some reference to it certainly.

Attorney General—*Q.* You have very properly uttered your sentiments in reprobation of all criticism which is anonymous—and you are the publisher of a book which gives us the character of those persons who figured in the French revolution. Pray what was the title of that book ?—*A.* "Anecdotes of the Founders of the French Republick." It was published ten or twelve years ago ; it was merely a matter-of-fact book ; there was no scurrility in it whatever.

Q. Then it contains nothing but an account of facts within your own knowledge ?

A. No, not so ; I was not the author, but the publisher.

Attorney General—And yet you say it is a mere narrative of facts ; how can you say so, unless they are facts within your own knowledge ?—*A* It was a mere plain narrative of facts.

Lord Ellenborough.—How do you know them to be facts, if you were not present at the transaction ? *A.* It was certainly a narrative of what the author stated to me, and what I considered to be facts. It was like every other book of grave biography and history.

Attorney General.—I think we have now got pretty well rid of the book, which you call the "Narrative of Facts."

Q. You were publisher of the Oxford Review ?—*A.* Yes.

Q. You had nothing anonymous in it of course. Pray what were the names of the Oxford Reviewers ? Were they known to the publick ? —*A.* They were not.

Q. You say you would not put your name to any thing that was anonymous, or a scurrilous publication. And you say that you published "Anecdotes of the Founders of the French Republick." And you say that you, yourself, published the Oxford Review, which was anonymous ?—*A.* Yes ; but they had not the character of the works which I have reprobated.

Attorney General.—To be sure ; for you state that those were facts which you published in your "Anecdotes of the Founders of the French Revolution" And you state also, that you were not the author, but merely the publisher of that book. Pray was that book anonymous ?—*A.* Yes, but not scurrilous.

Q. No, not scurrilous, God for-

bid ?—*A.* Yes, God forbid. I thank you for the phrase.

Attorney General.—You say there is such a book as the Edinburgh Review, which is anonymous, and the Annual Review, which is not anonymous, which is published, I believe, by Mr. Aikin. Now, did it ever occur to you, when you were so much interested in the credit of sir John Carr's works, to inquire what Mr. Aikin, who is not an anonymous writer, says of his works ?—*A.* In respect to periodical criticism of the anonymous kind, I ought to say that I have neither time, nor inclination, to look into it ; nor do I often look into the Annual Review. It is a ponderous volume, and if I had inclination, I should not have time to read it.

Q. The Oxford Review, I take it for granted, you read, since you were the publisher of it ? *A.* Yes.

Q. I take it for granted, you had the honesty to subscribe your name to that opinion ? *A.* I shall never withhold my opinions. I published the Oxford Review from a desire that there might be a fair review. My wishes and my feelings suggested to me, that there ought to be at least one honest review in the country. A number of gentlemen at Oxford, united their labours to write for it ; and it was printed there, under their direction, and published by me in London. It had no scurrility in it whatever ; but I found that a review which had no personal abuse, would not succeed, and therefore I discontinued its publication.

Q. That was your feeling, and such your reasoning ? *A.* Yes.

Lord Ellenborough—That is, you are now slandering all publishers but yourself. That is calling all other reviewers slanderers. I wish you would attend to the advice of others, whose prudence you seem to want.

Sir Richard Phillips. My lord, I know a great deal about reviewers !

Attorney General. Q. Perhaps you never, in advertising a book of your own, annexed to it any commendation of reviewers ?—*A.* I have not done so for many years, I was in the habit of doing it formerly, but I have not done it for many years. I became ashamed of the practice, and I left it off.

Attorney General.—That is, you grew up into virtue, as they fell into vice.

Lord Ellenborough.—This is saying that every publisher is dishonourable but yourself. Pray do not arrogate to yourself all the virtue in the publication of books. Are you aware of the effect of your testimony ? You have just this instant, told us, that you have been doing that of which you are ashamed. And that you discontinued it because you were ashamed of it. Answer the questions plainly without these comments.

Sir Richard Phillips. My lord, I have endeavoured to do so. I have said that I formerly published advertisements of books with the characters of reviewers annexed to them. It was the ordinary practice of the trade. I have said, that I discontinued it, and I did so. And I have said that I left it off because I was ashamed of it, and I am so.

(To be continued.)

ERRATA.

On page 525, 2d col. 11th line, IDEAS. for IDEA. On the same page and col. 12th line, EFFECT for AFFECT.